



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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COMAR 13A.16.08 CHILD SUPERVISION

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.01 Individualized Attention and Care.

An operator shall ensure that:

A. Each child receives:

- (1) **Attention to the child's individual needs, including but not limited to;**
 - (a) **Making reasonable accommodations for a child with special needs in accordance with applicable federal and State laws; and**
 - (b) **Allowing an adult who provides specialized services to a child with special needs access to provide those service on the facility premises as specified in the child's individualized education plan, individualized family service plan, or written behavioral plan; and**
- (2) **Adequate supervision and care at all times which is:**
 - (a) **Provided only by individuals who are designated by the operator to provide supervision and care; and**
 - (b) **Appropriate to the individual age, needs, and capabilities of the child;**

INTENT: Proper supervision and care are the most important factors in safeguarding the health, safety, and welfare of children and in helping ensure their successful growth and development. Individual children may vary widely in their particular supervision and care needs. Adequacy and appropriateness of supervision and care means that those needs are substantially met at all times.

INSPECTION REPORT ITEM: "Child Supervision"

COMPLIANCE CRITERIA:

- *Supervision at all times:*
 - *No child is left unattended;*
 - *Each staff member is attentive and responsive to each child under the staff member's supervision and is able to intervene immediately on behalf of the child; and*
 - *Each individual supervising or providing care to a child has been assigned supervision or care responsibilities by appropriate facility personnel.*
- *Appropriate to individual needs:*
 - *Each child is given a level and type of supervision and care that is consistent with the child's age, needs, and developmental status.*

ASSESSMENT METHODS:

- *Observe to determine:*

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- *The location of each child relative to person(s) with assigned supervision or care responsibilities; and,*
- *The level of staff attentiveness and responsiveness to each child.*
- *If needed, interview director or staff as appropriate and/or review facility records (staffing pattern, personnel list, etc.) to verify that observed supervision and care responsibilities have been duly assigned.*

Note:

- *In a facility approved for evening or overnight care, proper supervision may involve additional responsibilities.*

B. Each staff member providing care to a child is:

- (1) **Oriented to the child's individual care needs; and**
- (2) **Prepared to provide the appropriate individual care;**

INTENT: Each staff member must be fully oriented to, and ready to meet the care needs of each assigned child. Information on children and child records must be accessible to staff so that they can use that information to help provide appropriate child care and supervision based on individual child needs.

INSPECTION REPORT ITEM: "Individual Attention and Care"

COMPLIANCE CRITERIA: Each staff member has been oriented to the individual needs of children assigned and is prepared to meet the individual care needs of assigned children.

ASSESSMENT METHOD:

- *Determine if and how staff members have been oriented to the individual needs of assigned children.*
- *Observe activity groups to determine if, and to what extent, individual needs are being addressed. If observation is not feasible, interview the director and facility staff as needed to determine how individual needs recorded in the children's files are addressed by assigned staff.*

- C. Written information about the child's individual needs that was supplied by the parent by the time of the child's admission to care is used by the operator to meet the child's individual care needs;**
- D. A child is under close and continuous supervision whenever using potentially dangerous activity materials or equipment such as scissors, sharp tools, or knives; and**

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INTENT: Injury resulting from children's use of potentially dangerous activity materials is minimized through close supervision by staff.

INSPECTION REPORT ITEM: "Individual Attention and Care"

COMPLIANCE CRITERIA: Staff members provide close and continuous supervision of children using potentially dangerous activity materials.

ASSESSMENT METHOD: Observe groups to determine if staff members provide close and continuous supervision of children using potentially dangerous activity materials.

E. A child is allowed to travel to or from school or a school transportation site without adult supervision only if:

- (1) The child is in the first or a higher grade; and**
- (2) The child's parent and the operator agree in writing that the child can travel safely without adult supervision.**

INTENT: Kindergarten children may never be allowed to walk to school or the bus stop without adult supervision. A child enrolled in first grade who is younger than 6 years old may be allowed to travel unsupervised between the facility and school or a school bus stop only if the facility operator and the child's parent have agreed that the child is mature and responsible to do so and the route is safe enough for the child to travel alone.

INSPECTION REPORT ITEM: "Individual Attention and Care"

COMPLIANCE CRITERIA: Documentation is on file at the facility showing that, before allowing the child to travel alone, the operator and the child's parent have:

- determined that the child is ready to walk alone,*
- agreed to that travel, and*
- established a safe travel route for the child.*

ASSESSMENT METHOD: Review of the child's file to determine if a prior written agreement is present.

.02 Supervision by Qualified Staff.

A. At all times while in care, each child shall be assigned to a group of children that is supervised by an individual who:

- (1) Meets the requirements of COMAR 13A.16.06.09 or .10, depending on the age composition of the group; or**
- (2) Has received a variance, issued by the Office, from the requirements of COMAR 13A.16.06.09 or .10 in order to serve as a teacher for the purpose of providing**

instruction to the group in a specific discipline such as, but not limited to, karate, dance, or music.

***INTENT:** To accommodate programs that provide instruction in specific disciplines such as, karate, dance, music, gymnastics and other sports, etc. Individuals providing these types of services, for limited (1-2 hours) time periods per day or on an intermittent basis (such as a few days a week), may be considered qualified to serve as “Teacher” during that time period.*

***INSPECTION REPORT ITEM:** “Supervision by Qualified Staff”*

***COMPLIANCE CRITERIA:** The group of children is supervised by an individual approved by the Office through the “Variance” process in accordance with A (2) of this regulation.*

***ASSESSMENT METHOD:** Review the program file for an approved “Variance”.*

Note:

- *This process was recommended by the 2013 School-age/Out of School Time Workgroup.*
- *The individuals providing the services must have criminal background checks and child abuse and neglect clearances.*
- *Parents must provide approval for children to participate in the service.*

B. The operator shall assign qualified child care teachers to each group of children as needed to meet the requirements for group size and staffing set forth at Regulation .03 of this chapter.

***INTENT:** To ensure proper child supervision and instruction, it is essential that only properly qualified staff members are permitted to be in charge of children.*

***INSPECTION REPORT ITEM:** “Qualified Staff in Charge of Groups”*

***COMPLIANCE CRITERIA:** Each group of children is under the charge of a staff member who is qualified to supervise the age-range(s) of those children.*

***ASSESSMENT METHOD:** Review the facility’s current staffing pattern and personnel list and then observe each group of children to determine if a properly qualified staff member is in charge of the group.*

C. An infant or toddler may be handled or fed only by an individual designated to do so by the center operator.

D. Staff Availability.

- (1) **An operator shall designate a child care teacher to be present and in charge of the center in case of the director's temporary absence from the center.**

INTENT: At any given time, there must be an individual on-site who is specifically identified as the person immediately responsible for the operation of the facility at that time. In the absence of the director, a properly qualified staff member must be designated as that person.

INSPECTION REPORT ITEM: "Supervision by Qualified Staff"

COMPLIANCE CRITERIA: Whenever the director is absent, the facility is in the designated charge of a properly qualified staff member.

ASSESSMENT METHOD: Interview the director to determine who is in charge of the center when the director is not there. If necessary, interview other center personnel to determine if and how they know who is in charge when the director is absent.

- (2) **If a preschool child care teacher or a school age child care teacher, as applicable, is not available for assignment to a group of children, the center director may supervise the group until a child care teacher becomes available for assignment.**
- (3) **If the only children in attendance at the center are:**
- (a) **Younger than 2 years old and only one staff member is needed to meet staff/child ratio requirements, the operator shall ensure that an additional staff member or another adult, who has successfully passed a federal and State criminal background check and a review of child and adult abuse and neglect records, is available in the center; or**
 - (b) **2 years old or older and only one staff member is needed to meet staff/child ratio requirements, the operator shall have a written, signed, and dated agreement from an adult who has successfully passed a federal and State criminal background check and a review of child and adult abuse and neglect records and is willing and able to be at the center within 15 minutes of notification.**

Note: See **"On Call Agreement"** form.

.03 Group Size and Staffing.

- A. Assignment of Staff. One or more child care teachers shall be assigned to each group of children as needed to meet the requirements for group size and staffing set forth at §§C—G of this regulation.**

B. Age of a Child. For purposes of determining group size and staff required under this chapter, the age of a child is determined solely according to the date of the child's most recent birthday.

C. Same-Age Groups. In a group of children of the same age, the following staff/child ratio and maximum group size requirements apply:

Child Ages	Staff/Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 or 4 years old	1 to 10	20
5 years old and older	1 to 15	30

INTENT: Research has repeatedly shown that staff/child ratios and child group sizes are among the most important determinants of child safety and the quality of care. Minimum staff/child ratios and maximum group sizes are established to help ensure:

- *Proper child supervision,*
- *Adequate attention to each child's needs,*
- *Positive and successful child-child and child-adult interactions,*
- *Safe and manageable activities, and*
- *An environment conducive to each child's ability to develop self-esteem and to learn and master new skills.*

INSPECTION REPORT ITEM: “Group Size and Staffing”

COMPLIANCE CRITERIA: *In each same-age group of children:*

- *The appropriate minimum staff/child ratio is maintained at all times, and*
- *The number of children remains at all times within the applicable maximum group size.*

ASSESSMENT METHOD: *For each same-age group of children:*

- *Count and document the number of children present,*
- *Verify the ages of the children by reviewing the children's records,*
- *Review the daily attendance records to verify compliance with group size and age levels, and*
- *Review the center’s Employment Record and the “Staffing Pattern”, form OCC 1206, to determine if the number of staff are adequate and present as assigned.*

Note:

- For a visual guide to staffing and group size requirements, see "**Staff/Child Ratio – Group Size Charts**".

D. Mixed-Age Groups.

- (1) A mixed age group with infants or toddlers, the following minimum staffing levels apply:

Group Composition	Maximum Group Size	Minimum Staffing Level
Group includes 1 or 2 infants	9	2 staff members
Group includes 3 or more infants	6	2 staff members
Group includes 1 or 2 toddlers	12	2 staff members
Group includes 3 toddlers	9	2 staff members
Group includes 4 or more toddlers	9	3 staff members
Group includes no infants, 1 or 2 toddlers, and 6 or more 2 year olds	12	3 staff members

- (2) In a mixed-age group with preschool children:
- The group size may not exceed 20 children;
 - If the group contains preschool children 3 years old or older, the staff-to-child ratio is 1 to 10;
 - If the group size is 13 to 20 children, the group may not contain more than six 2-year-olds; and
 - If the group contains children who are 2 years old and the group size varies, the following minimum staffing levels apply:

Group Composition	Group Size	Minimum Staffing Level
Group includes one to three 2 year old children	7 to 10	1 staff member
Group includes four or more 2 year old children	7 to 10	2 staff members
Group includes one to three 2 year old children	13 to 20	2 staff members
Group includes four to six 2 year old children	13 to 20	3 staff members

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INTENT: Refer to the "Intent" statement under §C. above. In addition, staff/child ratio and group size requirements for a mixed-age group are based on the proportions of individual child ages within the group. Because younger children are more vulnerable and require closer attention, a higher proportion of younger children reduces the maximum allowable group size and requires a closer staff/child ratio.

INSPECTION REPORT ITEM: "Group Size and Staffing"

COMPLIANCE CRITERIA: In each mixed-age group of children:

- The appropriate minimum staff/child ratio is maintained at all times, and
- The number of children remains at all times within the applicable maximum group size.

ASSESSMENT METHOD: For each mixed-age group of children:

- Count and document the number of children present,
- Verify the ages of the children by reviewing the children's records,
- Review the daily attendance records to verify compliance with group size and age levels, and
- Review the Employment Record and **Staffing Pattern, form OCC 1206**, to determine if the number of staff are adequate and present as assigned.

(3) **School-Age Groups.** In a group where 3-year-old and 4-year-old children, enrolled in a public or nonpublic school, are mixed with school-age children, the following minimum staffing levels and maximum group size requirements apply:

Group Composition	Maximum Group Size	Minimum Staffing Level
Group includes up to five children 3 or 4 years old	30	1 school-age teacher and 1 assistant or aide
Group includes 6 to 9 children 3 or 4 years old	30	1 school-age teacher and 2 assistants or 1 school-age teacher, 1 assistant and 1 aide
Group includes 6 to 9 children 3 or 4 years old	25	1 school-age teacher and 1 assistant or aide
Group includes 10 or more children 3 or 4 years old	20	1 preschool teacher and 1 assistant or aide

E. Group Size and Staffing in Approved Educational Programs.

- (1) **During a school day approved by the Department, a teacher shall be assigned to each class and the following requirements apply:**

Child Age Group	Staff/Child Ratio	Maximum Group Size
2 years old	1 to 6	12
3 or 4 years old	1 to 12	24
5 years old or older	1 to 15	30

- (2) **A nursery school may not exceed a staff/child ratio or group size requirement set forth at §E(1) of this regulation, except that a Montessori school that has been approved by the Department may exceed a staff/child ratio or group size requirement by no more than 1/3.**
- (3) **When children who are 2 years old, 3 years old, 4 years old, and 5 years old are grouped together, the average age of all the children in the group as of September 1 of that school year is used to determine the group's maximum size and staff/child ratio.**

***INTENT:** In an instructional program operating under an MSDE Certificate of Approval, each class complies with the program's specified teacher-student ratio and class size established for the purpose of that Certificate.*

***INSPECTION REPORT ITEM:** "Group Size and Staffing"*

***COMPLIANCE CRITERIA:** During the approved hours of instruction, each class meets the applicable staff/child (teacher/student) ratio and does not exceed the applicable maximum class size.*

***ASSESSMENT METHOD:** For each class, review daily attendance records and observe the number of staff (teachers) and children (students) present to determine if they meet applicable ratio and group size requirements.*

***Note:** Requirements for nonpublic school approvals (K-12) are set forth in COMAR 13A.09.09. Under those regulations, an approved instructional program must operate in accordance with the school's written statement that specifies the ratio of students to teachers or the average class size for the implementation of the school's educational program.*

.04 Variations in Group Size.

- A. Group sizes for all ages may vary during outdoor play and special activities such as field trips and assemblies, only if the operator maintains the staff/child ratios required by this chapter.**

INTENT: During outdoor play or certain recreational activities, it may not be practical or appropriate to the nature of the activity to adhere rigidly to the group size requirements specified in §.03 of this Chapter. Under these limited circumstances, the ordinary group size maximum may be exceeded, but only if the applicable minimum staff/child ratio is maintained at all times.

INSPECTION REPORT ITEM: “Variations in Group Size”

COMPLIANCE CRITERIA:

- *A group size maximum is exceeded only during outdoor play or a recreational activity where it is not feasible or appropriate to keep the children separated into discrete, identifiable groups.*
- *If the group size maximum is being exceeded under this provision, the applicable staff/child ratio is maintained at all times.*

ASSESSMENT METHOD:

- *Referring as necessary to the center's personnel list and staffing patterns, observe outdoor play groups and special recreational groups to determine if the required staff/child ratios are being maintained.*
- *If observation is not possible, interview the center director and other staff members as necessary to determine if and how maintenance of minimum ratios during outdoor play, off-site activities, etc., is ensured.*

- B. Groups containing only school age children may be of any size, pursuant to a plan approved by the office, if the staff/child ratios required by this chapter are maintained.**

INTENT: School age children are capable of more self-direction than preschoolers, and their developmental needs and interests are more often met by participation in highly interactive, large-group activities. For these reasons, OCC may approve a written plan by an operator to organize school-age activities on a regular basis without regard to maximum group size, but only if the minimum staff/child ratio for school-aged children required by §.03 of this Chapter is maintained at all times during those activities.

INSPECTION REPORT ITEM: “Variations in Group Size”

COMPLIANCE CRITERIA: *If the center has been approved by the Regional Office to have school-age groups larger than those permitted under §.03 of this Chapter, the center maintains the required staff/child ratio in each of those groups at all times.*

ASSESSMENT METHOD:

- *Referring as necessary to the center's personnel list and staffing patterns, observe school-age activity groups to determine if the required staff/child ratios are being maintained.*
- *If observation is not possible, interview the center director and other staff members as necessary to determine if and how maintenance of minimum ratios during school-age activity groups is ensured.*

.05 Supervision during Water Activities.

- A. An operator shall have prior written approval from a child's parent for the child's participation in a water activity.**

INTENT: *Swimming or wading involves potential safety risks, particularly for young children. The operator must obtain prior written permission from each child's parent before allowing the child to swim or wade.*

INSPECTION REPORT ITEM: “Supervision During Water Activities”

COMPLIANCE CRITERIA: *If swimming/wading activities are conducted, there is a “**Swimming/Wading Activity Permission**” slip, or equivalent written authorization, from each child's parent in the child's file.*

ASSESSMENT METHOD: *Review of child files.*

Note: See “**Playground and Water Safety Guidelines**”.

- B. If a wading or swimming area is 4 feet or less in depth, each child engaged in a water activity shall receive continuous supervision by a staff member.**

INTENT: *Any water activity, including wading, is potentially dangerous, especially for small children; therefore, the operator must ensure that each child is appropriately supervised and constantly monitored whenever the child is in the water. The operator is responsible for each child's safety at all times while the child is in care.*

INSPECTION REPORT ITEM: “Supervision During Water Activities”

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COMPLIANCE CRITERIA: *Each child is supervised as required and monitored constantly by facility staff throughout a water activity.*

ASSESSMENT METHOD: *If possible, observe to determine if and how each child is being monitored and supervised; otherwise, interview facility staff to determine how the children are monitored and supervised during a water activity.*

Notes:

- *The operator may not permit a child in care to use a wading pool (such as a fill-and-drain molded plastic or inflatable pool) that does not have an operable circulation system approved by the local health department. Stagnant (uncirculated) pool water is a potential health hazard because it contaminates quickly; therefore, children may only use wading pools that have an approved and working circulation system.*
- *See **“Playground and Water Safety Guidelines”**.*

C. If the water exceeds 4 feet in depth, there shall be a lifeguard present who:

- (1) **Holds a current certificate of approval for lifeguarding from the American Red Cross, YMCA, or other organization acceptable to the office or the local health department;**
- (2) **Is present at waterside during the swimming activity; and**
- (3) **Is not included in the required staff/child ratio.**

INTENT: *A body of water deeper than 4 feet may not be used for a water activity unless at least one properly certified lifeguard is present and on duty.*

INSPECTION REPORT ITEM: *“Supervision during Water Activities”*

COMPLIANCE CRITERIA: *If water exceeds 4 ft. in depth, a person with current, approved lifesaving certification is present.*

ASSESSMENT METHOD: *If possible, observation to verify that a certified lifeguard is present and on-duty; otherwise, interview facility staff to determine if and how proper lifeguard coverage is assured.*

Notes:

- *Even when a certified lifeguard is present, the operator is responsible for maintaining continued monitoring and appropriate supervision of children during a water activity and while at the body of water.*
- *See **“Playground and Water Safety Guidelines”**.*

- D. Except during a swimming lesson conducted by a certified water safety organization, such as the American Red Cross, that is acceptable to the office or the local health department, whenever water is over the chest of a child who cannot swim, the child shall receive one-to-one supervision by a staff member who is in the water with the child.**

INTENT: Drowning or near-drowning can occur in seconds. For each non-swimming child who is in water over his or her chest, a staff member must also be in the water within arm's-length reach of the child.

INSPECTION REPORT ITEM: "Supervision during Water Activities"

COMPLIANCE CRITERIA: For each non-swimming child in water over his/her chest, there is a staff member in the water right next to the child.

ASSESSMENT METHOD: If possible, observation to verify that one-on-one in-water supervision is occurring; otherwise, interview facility staff to determine if and how that level of supervision is assured.

Note: See **"Playground and Water Safety Guidelines"**.

.06 Supervision During Transportation.

When child transportation is conducted to or from:

- A. The center by the center operator, there shall be at least one adult other than the driver present in the vehicle if:**
- (1) **More than eight preschoolers are being transported as a group; or**
 - (2) **At least one child is being transported and the driver of the vehicle is not:**
 - (a) **A center employee; or**
 - (b) **The parent of a child in care who is authorized by the operator to assist in transporting children in care; or**
- B. An off-site activity by an independent contractor or a local school district and at least one child in care is being transported, the center operator shall ensure that there is at least one adult other than the driver present in the vehicle.**

INTENT: Having to supervise a sizable group of preschoolers alone while driving can easily distract the driver, thus creating a significant safety risk for everyone in the vehicle. Having an additional adult present to supervise the children allows the driver to concentrate fully on driving.

INSPECTION REPORT ITEM: "Supervision During Transportation"

COMPLIANCE CRITERIA: There is at least one additional adult present whenever more than eight (i.e., at least nine) preschoolers are being transported.

ASSESSMENT METHOD: Review facility records (activity schedule, personnel list, etc.) and interview staff as necessary to determine staff transportation assignments in relation to transportation events involving more than eight preschoolers.

.07 Playground Supervision.

When a group of children is engaged in a playground or outdoor activity, staff members assigned to the group shall:

- A. Station themselves among the children so that immediate intervention can occur if necessary; and**

INTENT: To maximize safeguards and protection of children while on the playground and during outdoor activities, all children must be supervised at all times.

INSPECTION REPORT ITEM: “Playground Supervision”

COMPLIANCE CRITERIA: During playground and other outdoor activities, staff station themselves among the children so that they can supervise the children and intervene as necessary.

ASSESSMENT METHOD: Observe outdoor activities to determine if staff position themselves in a manner which enables them to be immediately available to intervene as necessary.

Note: See “**Playground and Water Safety Guidelines**”.

- B. If a child expresses or shows signs of discomfort due to over-activity, temperature or weather conditions, or other physical or environmental factors, take immediate and appropriate steps to alleviate the discomfort.**

INTENT: To ensure that children who appear to experience discomfort due to outdoor activities and other outdoor factors are immediately attended to and the discomfort is alleviated by staff.

INSPECTION REPORT ITEM: “Playground Supervision”

COMPLIANCE CRITERIA: During playground and other outdoor activities, staff immediately act to alleviate a child’s discomfort due to over-activity, temperature or weather conditions, or other physical or environmental factors.

ASSESSMENT METHOD: Observe outdoor activities to determine if staff immediately act to alleviate a child’s discomfort if a child shows signs of discomfort due to over-activity, temperature or weather conditions, or other physical or environmental factors.

.08 Rest Time Supervision.

A. During a rest period for a group of children who are younger than 2 years old:

- (1) **The required staff/child ratio applicable to that group shall be maintained; and**
- (2) **Each staff member assigned to the group shall remain with the children.**

***INTENT:** Because of the vulnerability of infants and toddlers, during naptime or rest periods in classrooms with children who are younger than 2-years-old, the required staff/child ratio may not be relaxed.*

***INSPECTION REPORT ITEM:** “Rest Time Supervision”*

***COMPLIANCE CRITERIA:** During naptime or rest periods in classrooms with children who are younger than 2-years-old or older, the staff/child ratio required by §.03 of this Chapter is in effect.*

***ASSESSMENT METHOD:** Observe staff/child ratios during naptime or rest periods in classrooms with children who are younger than 2-years-old to determine if the staff/child ratios established in §.03 of this Chapter are in effect.*

B. During a rest period for a group of children who are 2 years old or older:

- (1) **The required staff/child ratio applicable to that group shall be maintained until all the children are resting quietly; and**
- (2) **Once all the children in the group are resting quietly:**
 - (a) **At least one child care teacher or aide assigned to the group shall continue to remain in the room with the children; and**
 - (b) **Other staff members, if any, assigned to the group may leave the room but shall remain on the premises and within hearing range.**

***INTENT:** During naptime or rest periods, certain staff/child ratio requirements may be modified with regard to children who are at least 2-years-old.*

***INSPECTION REPORT ITEM:** “Rest Time Supervision”*

***COMPLIANCE CRITERIA:** During naptime or rest periods in classrooms with children who are 2-years-old or older, staff supervision complies with the specifics of the regulation.*

***ASSESSMENT METHOD:** Observe staff/child ratios during naptime or rest periods in classrooms with children who are 2-years-old or older are napping or resting, to determine if at least one child care teacher or aide remains in the room; and, if this is the case, the other staff members assigned to the group remain on the premises within hearing range of the classroom.*