

Large Family Child Care Homes Manual

(January 2017)

for use with

COMAR 13A.18 – Large Family Child Care Homes
(as amended effective 7/20/15)

Table of Contents

COMAR 13A.18.01 SCOPE AND DEFINITIONS

.01 Purpose and Scope	1
.02 Definitions	2

COMAR 13A.18.01 Scope and Definitions

.01 Purpose and Scope

- A. The purpose of this subtitle is to establish requirements for the identification, approval, and operation of large family child care homes.**

INTENT: When a parent or guardian gives the care and supervision of a child to another person, there may be certain risks for the child. To offset these risks, rules and regulations have been established to protect the health, safety, and welfare of children in out-of-home care. Under Maryland law, large family child care homes registration ensures that providers meet certain minimum standards for child health and safety and the operation of a child care program.

B. Scope. This subtitle:

- (1) **Governs child care provided to children for less than 24 hours a day in a private residence that is:**
 - (a) **Not the child's own home; and**
 - (b) **Approved, or proposed for approval, by the office for a maximum child care capacity of 9 to 12 children; and**
- (2) **Does not apply to a family child care provider or a family child care home currently registered pursuant to COMAR 13A.15.**

INTENT: With certain exceptions, Maryland law requires caregivers to become registered as child care providers before they are permitted to provide care. Persons who meet the requirements of COMAR 13A.18 are issued a certificate of registration. Possession of this certificate identifies a person as someone who is authorized by the State of Maryland to provide large family day care.

Notes: COMAR 13A.18 regulations are adopted and enforced by the Maryland State Department of Education, Division of Early Childhood Development, Office of Child Care, under the statutory authority of the Education Articles, §9.5-301 through §9.5-312, and the State Government Article, Section 10-617, Annotated Code of Maryland.

COMAR 13A.18.01 Scope and Definitions

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) **"Abuse" means:**
 - (a) **The physical or mental injury of a child, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of being significantly harmed, by:**
 - (i) **A parent;**
 - (ii) **An individual who has permanent or temporary care or custody or responsibility for supervision of a child; or**
 - (iii) **A household or family member; or**
 - (b) **Sexual abuse of a child, whether physical injuries are sustained or not.**
- (2) **"Agency" means the Office of Child Care, Division of Early Childhood Development, in the State Department of Education.**
- (3) **"Agency representative" means an individual designated by the Agency to determine compliance with this subtitle.**
- (4) **"Applicant"**
 - (a) **"Applicant" means an individual who applies to the office for a certificate of registration to operate a large family child care home.**
 - (b) **"Applicant" may include an individual who is currently licensed to operate a small center.**
- (5) **"Approved training" means course work or a workshop provided by:**
 - (a) **A regionally accredited college or university;**
 - (b) **A State-approved private career school;**
 - (c) **The Child Development Associate National Credentialing Program;**
 - (d) **Other organizations or individuals approved by the office; or**
 - (e) **The Agency.**
- (6) **"Approved continued training" means training, including but not limited to workshops, seminars, and conferences, that is:**
 - (a) **Approved by the office; and**
 - (b) **Used by the child care provider or a staff member of a child care home to maintain the applicable professional qualifications required by COMAR 13A.18.06.05—.07.**
- (7) **"Approved preservice training" means training that is:**
 - (a) **Approved by the office; and**
 - (b) **Used to meet initial professional qualifications required by COMAR 13A.18.06.05—.06 for an applicant or for a staff member of a child care home.**
- (8) **"Child" means an individual who is younger than:**
 - (a) **13 years old; or**
 - (b) **21 years old and has a developmental disability or other emotional, physical, educational, or medical need for child care beyond 13 years old.**
- (9) **Child Care Home.**
 - (a) **"Child care home" means a residence in which family child care is provided.**
 - (b) **"Child care home" includes a:**

COMAR 13A.18.01 Scope and Definitions

- (i) **Family child care home registered to operate pursuant to COMAR 13A.15; or**
 - (ii) **Large family child care home registered to operate pursuant to this subtitle.**
- (10) **"Continuing registration" means a family child care registration that does not expire.**
- (11) **"Core of knowledge" means the competencies identified by the office as essential for all individuals working in the child care delivery system, including:**
 - (a) **Child development;**
 - (b) **Curriculum;**
 - (c) **Special needs;**
 - (d) **Professionalism;**
 - (e) **Community; and**
 - (f) **Health, safety, and nutrition.**
- (12) **"Department" means the Maryland State Department of Education.**
- (13) **"Director" means an individual designated by a provider to conduct the daily operations of a large family child care home.**
- (14) **"Elective training" means training at a conference, seminar, or other event that is approved by the office but is not in a core of knowledge competency area.**
- (15) **Employee.**
 - (a) **"Employee" means an individual who for compensation is employed to work in a family child care home and who:**
 - (i) **Cares for or supervises children in the facility; or**
 - (ii) **Has access to children who are cared for or supervised in the facility.**
 - (b) **"Employee" includes a paid substitute.**
 - (c) **"Employee" does not include an individual who is:**
 - (i) **An independent contractor; or**
 - (ii) **A registered or certified health care professional who is compensated by the provider or the parent of a child in care to provide a specified health care service to the child.**
 - (d) **For the purpose of applying the criminal background check requirements and the child and adult abuse and neglect record review requirements set forth in this subtitle, "employee" includes an individual who:**
 - (i) **Is compensated by the provider or a resident to perform a service at the child care home;**
 - (ii) **Has access to children in care; and**
 - (iii) **Does not clearly meet, or is not excluded from, the definition of independent contractor as set forth at §B(21) of this regulation.**
- (16) **"Family child care" means the care given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old in place of parental care for less than 24 hours a day, in a residence other than the child's residence, for which the provider is paid in cash or in kind.**
- (17) **"Family child care teacher" means a staff member who:**
 - (a) **Is approved by the office to supervise children in care at a large family child care home; and**
 - (b) **Meets the professional requirements of COMAR 13A.18.05.06.**

COMAR 13A.18.01 Scope and Definitions

- (18) **"Group"** means a unit of children together with the staff assigned to them.
- (19) **"Health officer"** means the health officer in each of the 23 counties and the Commissioner of Health in Baltimore City, or the duly designated representative of the health officer, or both, and refers to the health officer in the jurisdiction where the child care home is or will be located.
- (20) **"Identified as responsible for child abuse or neglect"** means being determined by a local department to be responsible for child abuse or neglect, or awaiting the local department's appeal hearing after the determination.
- (21) **Independent Contractor.**
- (a) **"Independent contractor"** means an individual or other entity:
- (i) That is hired by the provider, a resident in the child care home, or the parent of a child in care, on the basis of a service contract or agreement, to perform a specialized service at the child care home, including, but not limited to, home maintenance or repair, academic tutoring, or recreational programming, for a specified period of time or in order to achieve a specified result;
 - (ii) That determines how the specialized service shall be performed; and
 - (iii) Whose specialized service is not restricted to the child care home, but is available for hire by other customers.
- (b) **"Independent contractor"** does not include an individual who:
- (i) Is a registered or certified health care professional compensated by the provider to provide a specified health care service to a child in care;
 - (ii) Under a private arrangement with the parent or guardian of a child or children in care, provides a health care, educational, or other service only to that child or those children; or
 - (i) Is employed for compensation by a public school or by a private or nonpublic school required to report annually to the State Board of Education.
- (22) **"Infant"** means a child younger than 18 months old.
- (23) **"Injurious treatment"** means:
- (a) Deliberate infliction in any manner of any type of physical pain, including spanking, hitting, shaking, or any other means of physical discipline, or enforcement of acts which result in physical pain;
 - (b) Failure to attend to a child's physical needs and other physically damaging acts, excluding reasonable acts to protect the child from imminent danger;
 - (c) Subjecting a child to verbal abuse intended to cause mental distress, such as shouting, cursing, shaming, or ridiculing; and
 - (d) Utilizing discipline methods that are considered inappropriate by child care professionals and create undue discomfort, such as, but not limited to, washing a child's mouth with soap, putting pepper or other spicy or distasteful items in a child's mouth, requiring a child to stand on one foot as punishment, or tying a child to a cot or other equipment.
- (24) **"Large family child care home"** means a child care home approved by the office to operate with a maximum child care capacity of 9 to 12 children.

COMAR 13A.18.01 Scope and Definitions

- (25) **"Licensing status"** means the type of child care center license or family child care registration issued by the agency and the current operating status of that license or registration.
- (26) **"Local department"** means the department of social services, by whatever name known, in any of Maryland's 24 local jurisdictions.
- (27) **"Mental injury"** means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.
- (28) **"Neglect"** means leaving a child unattended or otherwise failing to give proper care and attention to a child by the child's parents, guardian, or custodian under circumstances that indicate that the child's health or welfare is significantly harmed or placed at risk of significant harm.
- (29) **"Nursery school"** means an educational program:
 - (a) For children who are 2 years old, 3 years old, 4 years old, or any sequence of these ages; and
 - (b) That, unless approved by the Department before July 1, 2007, to operate for more than 6 hours per day, may not operate in excess of 6 hours per day.
- (30) **"Office"** means the central office or a regional office of the Agency.
- (31) **Overnight Care.**
 - (a) **"Overnight care"** means child care that is provided between the hours of 12 a.m. and 6 a.m.
 - (b) **"Overnight care"** does not include child care provided to a child enrolled for care during daytime or evening hours who, because of the parent's schedule, must remain at the family child care home for up to 1/2 hour after 12 a.m. or arrive up to 1/2 hour before 6 a.m.
- (32) **"Parent"** means the biological or adoptive parent, or the legal guardian or custodian of a child, who enrolls the child in care.
- (33) **Potentially Hazardous Food.**
 - (a) **"Potentially hazardous food"** means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients capable of supporting rapid and progressive growth of infectious, toxigenic microorganisms.
 - (b) **"Potentially hazardous food"** does not include clean, whole, uncracked, odor-free shell eggs.
- (34) **"Preschooler"** means a child who:
 - (a) Is 2 years old or older; and
 - (b) Does not attend kindergarten or a higher grade.
- (35) **"Professional development plan"** means the written instrument for tracking continued training that is:
 - (a) Distributed by the office to a provider; and
 - (b) To be completed annually by the provider and, as applicable, the director, each family child care teacher, and each aide.
- (36) **"Provider"** means the individual to whom a certificate of registration to operate a child care home is issued pursuant to this subtitle.
- (37) **"Provider substitute"** means an adult who is approved by the office to be

COMAR 13A.18.01 Scope and Definitions

- responsible for the operation of a child care home when the child care provider is absent.
- (38) **Relative.**
- (a) **"Relative"** means an individual related to a child by blood, marriage, or adoption.
 - (b) **"Relative"** includes a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, first or second cousin, great grandparent, great uncle, or great aunt.
- (39) **"Resident"** means a person who lives in the child care home.
- (40) **"Sanction"** means an enforcement action under this subtitle.
- (41) **"Sanitization"** means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to destroy vegetative cells of pathogenic bacteria and to reduce substantially the number of other microorganisms.
- (42) **"School age child"** means a child younger than 13 years old who attends a public or nonpublic school in grades kindergarten or above.
- (43) **Small center"** means a child care program located in a private residence and licensed for 12 or fewer children that, before January 1, 2012, was licensed to operate as a child care center pursuant to COMAR 13A.16.
- (44) **Staff Member.**
- (a) **"Staff member"** means an individual 16 years old or older, whether paid or not, who is assigned responsibility for child care in a child care home and whose assignment helps to maintain the staff/child ratios required by COMAR 13A.18.08.03.
 - (b) **"Staff member"** also means the provider.
- (45) **"Successfully passed"** means, when used in connection with:
- (a) **A criminal background check, that an individual:**
 - (i) **Has not 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 listed at COMAR 13A.18.06.03A; or**
 - (ii) **If having 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 not listed at COMAR 13A.18.06.03A, has been assessed by the office as suitable for employment pursuant to COMAR 13A.18.06.03B; or**
 - (b) **A review of records of abuse and neglect of children or adults, that if an individual is:**
 - (i) **An employee of, or applying for employment by, the provider, the individual has been assessed by the office as being suitable for employment, pursuant to COMAR 13A.18.06.03B; or**
 - (ii) **An independent contractor, the individual has not been identified as responsible for the abuse or neglect of a child.**
- (46) **"Superintendent"** means the State Superintendent of Schools or the Superintendent's designee.
- (47) **"Toddler"** means a child 18 months old or older but younger than 2 years old.

COMAR 13A.18.01 Scope and Definitions

- (48) **"Treatment foster care"** means a 24-hour substitute care program, operated by a registered child placement agency or local department of social services, for children with a serious emotional, behavioral, medical, or psychological condition.
- (49) **"Volunteer"** means an individual who:
- (a) **Is 13 years old or older;**
 - (b) **Works in the child care home but is not a compensated employee; and**
 - (c) **is not enrolled as a child in care at the child care home.**

***INTENT:** The purpose of these definitions is to establish a clear and consistent meaning of certain terms used in COMAR 13A.18. Whenever one of these terms appears in this chapter of regulations, it shall mean only what its definition, as set forth above, says it means.*