

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.18.06 STAFF REQUIREMENTS

.01 Minimum Age	1
.02 Staff Orientation	1
.03 Suitability for Employment	2
.04 Staff Health	6
.05 Child Care Home Directors	8
.06 Family Child Care Teachers	10
.07 Aids	13
.08 Substitutes	16
.09 Support Personnel	18
.10 Volunteers	19

COMAR 13A.18.06 Staff Requirements

.01 Minimum Staff Age.

A staff member in a child care home 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 if each staff member is at least 16-years-old. Request provider 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, a provider shall ensure and document that each 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 and disaster plan contents;**
- D. Identity of the staff members who:**
 - (1) Are currently certified in first aid and CPR; and**
 - (2) Have completed approved training in medication administration;**
- E. The identity of the individuals who are required to be available to provide emergency coverage pursuant to COMAR 13A.18.08.02D;**
- F. Hand washing and diapering procedures approved by the office;**
- G. The child care home'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 community resources available to a family of a child who may have special needs; and**
- K. The contents of the current version of this subtitle.**

COMAR 13A.18.06 Staff Requirements

***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 home regulations requirements, the home 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 large family home, 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. See, “*Staff Orientation Verification*” form.*

.03 Suitability for Employment.

A. A provider may not employ an individual who 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”*

COMAR 13A.18.06 Staff Requirements

COMPLIANCE CRITERIA: *The large family home 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 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 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 child care home 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 large family child care home 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 large family child care home employment and direct the program operator to deny or terminate the person's employment.*

INSPECTION REPORT ITEM: *"Suitability for Employment"*

COMPLIANCE CRITERIA: *For any large family child care home employee or employment applicant who criminal history that includes certain offenses other*

COMAR 13A.18.06 Staff Requirements

than those listed under §A of this 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 provider has terminated or denied employment of that individual.

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

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 provider, or any agency or entity cited by the individual or the provider 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 provider may not permit the individual to begin or to resume employment until the office has notified the provider 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 provider of its outcome. If the outcome is favorable to the person, the provider 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 child care home, the office shall notify the individual and the provider in writing of that decision and its basis.**
- (2) The written notification to the individual shall also:**

COMAR 13A.18.06 Staff Requirements

- (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 provider 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 provider:

- (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 child care home except to exercise parental responsibilities with respect to a related child in care.**

INTENT: If OCC directs a provider to deny or terminate a person's employment for reasons of unsuitability, the provider must comply immediately. Unless the person appeals OCC's action and the action is overturned, the provider 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 child care home'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 child care home'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 child care home, review the provider's current Employment Record to determine if the person's name is 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. A provider 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—.07, as

COMAR 13A.18.06 Staff Requirements

applicable, of this chapter, unless the individual is a substitute functioning in accordance with Regulation .08 of this chapter.

INTENT: Large family child care 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 - .10 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 § .08 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) **A provider 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 child care home, from each prospective:**
 - (a) **Staff member; and**
 - (b) **Except for a health care professional serving as a consultant pursuant to Regulation .09C of this chapter, support staff who will be present at the child care home while children are in care.**
- (2) **The medical evaluation may transfer directly from one child care home to another, or from a licensed child care center to the child care home, if the evaluation was completed within the previous 12 months.**

INTENT: A large family child care home employee must be free of any communicable disease that would prohibit the person from working in a large family child care home. The 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

COMAR 13A.18.06 Staff Requirements

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 large family child care home 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 large family child care home.
- 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 large family child care home 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 large family child care home.

- B. Exclusion from Work. Except with the approval of the office and the health officer, a provider may not permit an individual with a serious transmissible infection or communicable disease listed on a chart supplied by the office to work at the child care home 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 large family child care home employee who has such a disease and is in its communicable stage may not be permitted to work at the large family child care home.

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 large family child care home maintains a copy of the current **DHMH “Communicable Diseases Summary”** chart, and
- The large family child care home’s policy on staff with infectious and communicable diseases is consistent with the exclusion guidelines stated in the “**Communicable Diseases Summary**” chart.

COMAR 13A.18.06 Staff Requirements

.05 Child Care Home Directors.

A. Use of a Director.

- (1) **A provider may designate an individual to serve as the director of the child care home.**
- (2) **If an individual is not designated by the provider as the director, the provider shall be the director of the child care home.**

B. An individual designated as the director of a child care home shall meet the requirements of this regulation.

C. The provider shall meet the requirements for qualifying as the director of a child care home.

D. Except when engaged in occasional child care home-related activities or away on leave, the director shall be present in the child care home during at least 1/2 of the operating hours of the home 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.**

E. Except as set forth at §F of this regulation, to qualify as a director in a large family child care home, an individual shall:

- (1) **Be 21 years old or older;**
- (2) **Hold a high school diploma or a certificate of high school equivalence, or have successfully completed at least 6 credits 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; and**
 - (b) **3 semester hours or their equivalent of approved administrative training; and**
 - (c) **Effective January 1, 2016:**
 - (i) **3 clock hours of approved training in ADA compliance; and**
 - (ii) **Approved training in supporting breastfeeding practices.**
- (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;**
- (5) **Unless previously approved by the office to direct a child care program serving children younger than 2 years old, have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old; and**
- (6) **Have completed 1 year of experience working directly with children in a registered child care home, licensed child care center, nursery school, church-operated school, or similar setting.**

F. An individual is considered qualified as a director when that individual has:

- (1) **Received either:**

COMAR 13A.18.06 Staff Requirements

- (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; and**
- (2) **Completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old.**

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

INSPECTION REPORT ITEMS: "Child Care Home Directors"

COMPLIANCE CRITERIA: The Director meets the age, education, and experience requirements for the position.

ASSESSMENT METHOD:

- Review the provider's 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.)

Notes:

- For detailed information about Director Qualifications and how to determine whether an individual meets those qualifications, see *"Maryland Large Family Child Care Home – Staff Requirements"*
- 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.

G. A director shall:

COMAR 13A.18.06 Staff Requirements

- (1) **Maintain the professional development plan received from the office;**
- (2) **According to the professional development plan, complete approved continued training, at the rate of at least 12 clock hours per full year of service 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**
- (3) **Document completion of the continued training on the professional development plan.**

INTENT: The Director of a large family child care home 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/Large Family Child Care Home 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 Family Child Care Teachers.

A. A family child care teacher in a child care home shall be 19 years old or older.

B. Except as set forth at §C of this regulation, to qualify as a family child care teacher, an individual:

- (1) **Shall hold or have successfully completed:**
 - (a) **A high school diploma, a certificate of high school equivalence, or courses for credit from an accredited college or university;**

COMAR 13A.18.06 Staff Requirements

- (b) **Either 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; and**
 - (c) **Either:**
 - (i) **6 semester hours or 90 clock hours or their equivalent of approved pre-service training;**
 - (ii) **The Child Development Associate Credential issued by the Child Development Associate National Credentialing Program; or**
 - (iii) **Accreditation by the National Association for Family Child Care as a family child care provider; and**
 - (2) **Have completed at least one of the following:**
 - (a) **1 year of experience working under supervision with children in licensed child care center, nursery school, church-operated school, or similar setting;**
 - (b) **1 year of experience as a registered family child care provider; or**
 - (c) **1 year of college, or a combination of experience and college that together are equivalent to 1 year;**
- C. An individual shall qualify as a family child care teacher if the individual:**
- (1) **Holds an associate's or higher degree with approved courses in early childhood education;**
 - (2) **Qualified before July 1, 2008, as a child care teacher in a licensed child care center and has been continuously employed since that time at the same or another licensed child care center;**
 - (3) **Has been approved as a teacher by the Department for early childhood in nursery school through third grade; or**
 - (4) **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:** "Family Child Care Teachers"*

***COMPLIANCE CRITERIA:** The preschool teachers meets the requirements established in this regulation.*

***ASSESSMENT METHOD:** Review the provider's record to determine if the family child care teachers meet the applicable minimum qualifications.*

- *Verify age information by checking it against the teacher's:*
 - *Driver's license;*

COMAR 13A.18.06 Staff Requirements

- 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 Large Family Child Care Home – Staff Requirements”*
- 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.

D. A family child care teacher in a child care home 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: “Family Child Care 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:

COMAR 13A.18.06 Staff Requirements

- *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/Large Family Child Care Home 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.*

E. Before a family child care teacher may supervise a child younger than 2 years old, the individual shall, unless previously qualified by the office to supervise an infant or a toddler:

- (1) **Meet the requirements of §§A—B of this regulation and have completed 3 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old; or**
- (2) **Be 19 years old or older and:**
 - (a) **Meet the requirements of §B(1)(a) and (b) and §B(2) of this regulation; and**
 - (b) **Have completed 6 semester hours of approved training, or the equivalent, related exclusively to the care of children younger than 2 years old.**

***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.*

.07 Aides.

- A. **An aide shall:**
 - (1) **Be 16 years old or older;**

COMAR 13A.18.06 Staff Requirements

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 provider or the family child care teacher in charge of the group of children to which 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.

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

COMAR 13A.18.06 Staff Requirements

- *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 large family child care home 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/Large Family Child Care Home 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.*

COMAR 13A.18.06 Staff Requirements

- B. **Unless an individual has completed 90 clock hours or the equivalent in early childhood education preservice training, and except as set forth in §C of this regulation, an individual hired to work as an aide 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 aide to be knowledgeable about caring for children, facility procedures, and interacting with parents, the child care provider 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 large family child care provider 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.

- C. **The requirement to complete an orientation session, as set forth at §B of this regulation, does not apply to an individual hired to work as an aide before January 1, 2009.**

.08 Substitutes.

- A. **When a staff member is absent, a substitute for that staff member shall be provided as needed to maintain the staff/child ratios required by COMAR 13A.18.08.03.**
- B. **A substitute shall:**
- (1) **Be 18 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”

COMAR 13A.18.06 Staff Requirements

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.)

- (2) **Be familiar with this subtitle;**
 - (3) **Complete, sign, and submit to the office the required forms for substitutes, which include permission to examine records of abuse and neglect of children;**
 - (4) **If paid, apply for a federal and State criminal background check at a designated law enforcement office in the State; and**
 - (5) **Present no risk to the health, safety, or welfare of children.**
- C. If a substitute is needed for longer than a continuous 2-week period, the provider 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 provider 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 large family child care provider 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

COMAR 13A.18.06 Staff Requirements

- *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.*

.09 Support Personnel.

- A. Except as set forth at §B of this regulation, the provider 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 provider 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. Additional staff need not be provided 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.*

COMAR 13A.18.06 Staff Requirements

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. A child care home that provides a regular service involving the use of specialized health care procedures or equipment shall use as a consultant in providing the service a registered nurse, nurse practitioner, physician's assistant, physician, or other registered or certified service professional as appropriate.**

INTENT: *The provider 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 provider 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.*

.10 Volunteers.

- A. A child care home volunteer shall be under the close supervision of the provider or a staff member whenever the volunteer is in contact with an unrelated child in care at the home.**
- B. The provider may not use as a volunteer an individual who has been prohibited, or automatically would be prohibited, from employment at the child care home 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 large family child care home due to a criminal record or a history of child abuse or neglect may not serve at the home as a volunteer.*

INSPECTION REPORT ITEM: "Volunteers"

COMPLIANCE CRITERIA: *Each volunteer at the center is:*

COMAR 13A.18.06 Staff Requirements

- *Monitored closely by large family child care home 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 the large family child care home 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"**.*