

Child Care Center Licensing Manual

(August 2016)

for use with

COMAR 13A.16.01-.19
Child Care Centers
(as amended effective 7/20/2015)

Maryland State Department of Education
Division of Early Childhood Development
Office of Child Care
Licensing Branch

The Maryland State Department of Education does not discriminate on the basis of race, color, sex, age, national origin, religion, or disability in matters affecting employment or in providing access to programs. For inquiries related to departmental policy, contact the Equity Assurance and Compliance Branch, Maryland State Department of Education, 200 W. Baltimore Street, Baltimore, Maryland 21201. 410.767.0433 (voice) 410.767.0431 (fax) 410.333.6442 (TTY/TDD)

For more information about the contents of this document, contact the Licensing Branch, Office of Child Care, Division of Early Childhood Development, Maryland State Department of Education, 200 W. Baltimore Street, 10th Floor, Baltimore, Maryland 21201
410.569.8071 (voice) 410.333.6226 (fax)

©Maryland State Department of Education
Baltimore Maryland
2016

Introduction

Purpose of the Manual

The Child Care Center Licensing Manual (Manual) is used as a reference for Office of Child Care (OCC) licensing staff, licensed child care center operators, and for those who apply to become child care center operators. The Manual primarily provides assistance in interpreting and applying Code of Maryland Regulation (COMAR) requirements when child care facilities are inspected for compliance by licensing staff. By providing a comprehensive set of interpretive guidelines, the Manual enables child care center operators to achieve and maintain compliance, and enables licensing staff to assess operator compliance in a consistent and equitable manner.

Contents and Use of the Manuals

The Manual is divided into chapters. Each chapter corresponds to the chapter number and subtitle of the related COMAR (Example –COMAR 13A.16 .01 Scope and Definitions). Each chapter is posted individually with its own table of contents listing the applicable subsections. Each chapter and subtitle includes the full text of the regulations found in each subsection of the chapter, the intent of the regulation, the inspection report item, the compliance criteria, the method by which compliance with the regulation is assessed, and reference notes, as applicable. The text of each regulation appears in **bold** type. The guidance information appears in *italics*. The referenced forms and resource documents appear in *Red italics*.

The **Intent** explains the regulation in more detail and the reason for the regulation.

The **Inspection Report Item** refers to the exact location on the Electronic Licensing Inspection System (ELIS) inspection form, or the paper Inspection Report where compliance or noncompliance with the regulation is recorded during an inspection.

The **Compliance Criteria** set forth the specific elements that OCC licensing staff will use in determining whether or not the inspection report item is in compliance.

The **Assessment Method** addresses the means by which licensing staff will evaluate the compliance criteria.

The **Notes** provide further details, explanations, or reference to resource materials and/or forms. Some of the “Notes” have been included only to give additional helpful information.

The referenced **Forms** and **Resource Documents** are easily accessed on the Licensing Branch website in the “Forms” and “Resource Documents” locations.

CHILD CARE CENTER LICENSING MANUAL

(August 2016)

for use with

COMAR 13A.16.01-.19 Child Care Centers

(as amended effective 7/20/15)

Table of Contents

<u>Chapter (Number/Name)</u>	<u>Page</u>
COMAR 13A.16.01 SCOPE AND DEFINITIONS	
.01 Scope	1
.02 Definitions	4
COMAR 13A.16.02 LICENSE APPLICATION AND MAINTENANCE	
.01 License – General Requirements	1
.02 Initial License.....	4
.03 Continuing License	7
.04 Provisional and Conditional Status.....	10
.05 Response of the Office to Application.....	12
.06 Denial of License Application	13
COMAR 13A.16.03 MANAGEMENT AND ADMINISTRATION	
.01 Multi-Site Centers.....	1
.02 Admission to Care.....	1
.03 Program Records.....	7
.04 Child Records	10
.05 Staff Records.....	19
.06 Notifications.....	23
.07 Change of Operation	29
.08 Variances	31
COMAR 13A.16.04 OPERATIONAL REQUIREMENTS	
.01 Capacity	1
.02 Enrollment and Attendance.....	2
COMAR 13A.16.05 PHYSICAL PLANT AND EQUIPMENT	
.01 Building Safety	1
.02 Accessibility.....	3
.03 Indoor Space	3
.04 Building Repair and Maintenance.....	6
.05 Lead-Safe Environment	6
.06 Ventilation and Temperature	8
.07 Water Supply	9
.08 Sanitary Facilities and Supplies	10
.09 Lighting.....	13
.10 Telephone and Communication	14

.11 General Cleanliness and Disposal of Refuse	16
.12 Outdoor Activity Area	19
.13 Swimming Facilities	23

COMAR 13A.16.06 STAFF REQUIREMENTS

.01 Minimum Staff Age	1
.02 Staff Orientation.....	1
.03 Suitability for Employment.....	2
.04 Staff Health	6
.05 Directors of All Child Care Centers – General Requirements	8
.06 Directors of Preschool Centers – Specific Requirements	10
.07 Directors of School Age Centers – Specific Requirements	13
.08 Specific Requirements for Directors in Combined Preschool and School Age Centers.....	14
.09 Child Care Teachers in Preschool Centers.....	15
.10 Child Care Teachers in School Age Centers.....	18
.11 Assistant Child Care Teacher.....	20
.12 Aides	24
.13 Substitutes	26
.14 Support Personnel	28
.15 Volunteers	29

COMAR 13A.16.07 CHILD PROTECTION

.01 Prohibition of Abuse, Neglect, and Injurious Treatment	1
.02 Abuse/Neglect Reporting.....	1
.03 Child Discipline	3
.04 Parental Access	4
.05 Authorized Release	4
.06 Child Security	6

COMAR 13A.16.08 CHILD SUPERVISION

.01 Individualized Attention and Care	1
.02 Supervision by Qualified Staff.....	3
.03 Group Size and Staffing.....	5
.04 Variations in Group Size.....	10
.05 Supervision during Water Activities.....	11
.06 Supervision during Transportation.....	13
.07 Playground Supervision	14
.08 Rest Time Supervision.....	15

COMAR 13A.16.09 PROGRAM REQUIREMENTS

.01 Schedule of Daily Activities for All Children	1
.02 Activity Plans for Infants and Toddlers	4
.03 Activity Materials, Equipment, and Furnishings	7
.04 Rest Furnishings.....	9
.05 Infant-Toddler Equipment	12
.06 Storage	13

COMAR 13A.16.10 SAFETY

.01 Emergency Safety Requirements.....	1
.02 First Aid and CPR.....	3
.03 Safe Use of Materials and Equipment.....	7
.04 Potentially Hazardous Items	8
.05 Rest Time Safety.....	12

.06 Transportation	13
COMAR 13A.16.11 HEALTH	
.01 Exclusion for Acute Illness	1
.02 Infectious and Communicable Diseases	3
.03 Preventing Spread of Disease	5
.04 Medication Administration and Storage	7
.05 Smoking	13
.06 Alcohol and Drugs	14
COMAR 13A.16.12 NUTRITION	
.01 Food Service	1
.02 Modified Diet	4
.03 Food Sources	5
.04 Food Storage and Preparation	7
.05 Food Preparation Area and Equipment	13
.06 Infant Feeding	16
COMAR 13A.16.13 CENTERS FOR CHILDREN WITH ACUTE ILLNESS	
.01 Location of Center	1
.02 Applicability of Subtitle	1
.03 Plan of Operation	1
.04 Director Requirements	2
.05 Use of Health Consultant	3
COMAR 13A.16.14 ADOLESCENT CENTERS	
.01 Requirements for Approval	1
.02 Plan of Operation	1
COMAR 13A.16.15 DROP-IN CENTERS	
.01 License Permitted	1
.02 Scope of Care	1
.03 Applicability of Subtitle	1
.04 Plan of Operation	1
.05 Special Variances	2
.06 Admission Requirements	2
COMAR 13A.16.16 EDUCATIONAL PROGRAMS IN NONPUBLIC NURSERY SCHOOLS	
.01 Purpose and Scope	1
.02 Definitions	1
.03 Approval to Operate an Educational Program — General Requirements	3
.04 Approval to Operate an Educational Program — Specific Requirements	5
.05 Compliance and Inspections	9
.06 Personnel Qualifications	13
.07 Educational Program	19
.08 Child Records	23
.09 Health, Fire Safety, and Zoning	26
.10 Procedures and Sanctions for Noncompliance — Educational Programs	27
COMAR 13A.16.17 INSPECTIONS, COMPLAINTS, AND ENFORCEMENT	
.01 Complaints	1
.02 Inspections	2
.03 Intermediate Sanctions	5

.04 Suspension	6
.05 Emergency Suspension	8
.06 Revocation	9
.07 Penalties	11

COMAR 13A.16.18 ADMINISTRATIVE HEARINGS

.01 Scope.....	1
.02 Definitions	1
.03 Hearing Requests	2
.04 Preliminary Conference	3
.05 Denial or Dismissal of a Hearing Request	3
.06 Hearing and Appeal Procedures.....	3
.07 Conduct of Hearing.....	4
.08 Decision	4

COMAR 13A.16.19 PUBLIC ACCESS TO LICENSING RECORDS

.01 Definitions	1
.02 Disclosure of Information from Licensing Records	1
.03 Request for Information from Licensing Records	2
.04 Compelling Public Purpose.....	3