



Division of Early Childhood Development

# OFFICE OF CHILD CARE LICENSING BRANCH

## Summary

### Description of Program

The Office of Child Care, Licensing Branch is in the Maryland State Department of Education's (MSDE) Division of Early Childhood Education (DECD) and is responsible for the licensure and registration of child care facilities and the approval of nonpublic nursery schools statewide. As mandated by Education Statute, the Licensing Branch's regulatory activity serves as a means for protecting the health, safety and welfare of children in out of home care. All regulatory activities are carried out by staff in thirteen regional and two field offices. Staff license child care centers, register family child care homes, approve nonpublic nursery schools, and monitor their compliance with, COMAR 13A.16 Child Care Center Licensing, COMAR 13A.17 Letters of Compliance, COMAR 13A.15 Family Child Care, COMAR 13A.18 Large Family Child Care Homes, and COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools, as applicable.



### Types of Child Care Facilities



- **A child care center** may be an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children. Center child care is provided to an individual 6 weeks old or older and younger than 16 years old; or younger than 21 years old who has a disabling condition or other emotional, developmental, physical, educational, or medical need necessitating child care beyond 16 years old. Child care centers include nonpublic nursery schools in which instructional programs are offered or provided for children who are under the age of 5 years.
- **Letters of Compliance** are issued to centers operated by religious organizations in school buildings exclusively for children who are enrolled in that school. Staff qualifications, staff records, or programming are not regulated in those facilities.
- **Family Child Care** is care given to a child under the age of 13 years or to any developmentally disabled person under the age of 21, in place of parental care for less than 24 hours a day, in a residence other than the child's residence for which the day care provider is paid. Family child care is provided to children in private residences and have a maximum capacity of eight children, with no more than two children under the age of two. With an additional adult supervising the children, a provider may care for three to four children under the age of two.



- **Large Family Child Care** is provided to children in private residences serving the same age group as family child care homes, but have a maximum capacity of 12 children. The staffing requirements are similar to those of child care centers.



Individuals interested in becoming child care providers may review on-line orientations at <http://earlychildhood.marylandpublicschools.org/child-care-providers/licensing/orientations>

For each child care center, letter of compliance facility, family child care home, and large family child care home:

- An initial license or registration is issued that expires at the end of two years;
- The initial license or registration does not need to be renewed. Instead, the child care provider applies for a Continuing (non-expiring) license which is issued after the initial period and remains in effect until surrendered, suspended, revoked, or replaced by a conditional license or registration;
- An unannounced child health and safety inspection is conducted every 12 months.
- Certain information is requested every 2 years to maintain the Continuing license or registration.

Child care facilities are monitored through annual unannounced on-site inspections and the investigation of complaints. When child care facilities are found out of compliance with regulations and licensing staff efforts to help providers achieve and maintain compliance fail, appropriate enforcement action is taken.

## Databases



All licensing data is housed in the Child Care Administrative Tracking System (CCATS) and in the Electronic Licensing Inspection System/Child Care Information System (ELIS/CCIS).

## Description of Activities

Licensing staff throughout thirteen regional and two field offices carry out all regulatory activities. These offices include Regional Managers, Supervisors, Licensing Specialists, and Administrative Staff. Central office licensing staff provide supervision and support to the regional offices. They include the Branch Chief who is responsible for leadership and oversight of the Licensing Branch; a Deputy Branch Chief who is responsible for staff development and training, coordinating the Electronic Licensing Inspection System (ELIS) and Child Care Administrative Tracking System (CCATS) “Super User” groups, and serves as the ELIS Project Manager; a Compliance Officer who, as requested by regional staff, investigates out-of state criminal backgrounds for suitability of employment, oversees and provide regulatory and policy guidance for illegal child care, maintains regulatory manuals used by the licensing staff, and maintains forms, resource documents and information noted for the Licensing Branch section of DECD website; a Nurse Consultant who responds to health concerns from licensing staff and providers, approves Registered Nurses who teach Medication Administration to child care providers, oversees the Fire Marshall contract and represents the Office of Child Care on the Lead Commission; and an Administrative Assistant who processes all regional office expenditures (through FMIS), pays all bills for the regional offices, etc.

Regional licensing staff process applications and determine compliance with regulations through on-site inspections and review of documents, including criminal background checks and child abuse and neglect histories, staff credentials, medical reports, fire safety and water inspection reports. They investigate all complaints and provide ongoing technical assistance in areas of child development, activities for children, equipment, staffing requirements, and regulations.

Data housed in CCATS and ELIS/CCIS is used to generate reports used by licensing staff in managing the regional offices and provider cases.

### Regional activities include:

- **Processing applications** received from prospective providers after they have completed an on-line orientation about licensing/registration requirements and the process for applying for a license or registration. Applications are processed in CCATS. The license or registration is generated out of CCATS.



- **Conducting on-site inspections** of regulated child care facilities. An electronic licensing inspection system (ELIS) is housed on a tablet and used to conduct on-site inspections. Non-compliances noted on the inspection report are aggregated in a Summary of Findings (SOF) which is reviewed with the provider. If the provider disagrees with the findings, a request for a review of findings may be noted on the summary page along with the signatures of the provider and the licensing specialist. The inspection report is automatically emailed to the provider within the next two days. Providers without email addresses receive copies via the postal service.



- **Investigating complaints** of regulated and illegal child care. Civil citations may be issued to illegal child care providers with fines ranging from \$250 to \$5,000.
- **Encouraging and supporting** the development of additional child care facilities through collaboration with other agencies, advocates, and community organizations. Regional staff serve on many committees within their jurisdictions.
- **Providing Technical Assistance**

Once licensed or registered, ongoing technical assistance is provided by licensing staff to child care providers in areas of child development, activities for children, equipment, staff requirements, and regulations. Regulation training is provided to child care center directors by the regional offices as required by COMAR. **Roundtables** conducted by the regional offices are used to provide technical assistance and to have open dialogue with groups of providers. Certificates are issued to the providers for attendance at the roundtables conducted by the Regional Offices. These certificates count as professional hours under the Credentialing program and toward continuing training hours required to maintain a license or registration. Regional staff attend, and often present at, provider association meetings. Technical assistance is also provided daily through phone conversations and email conversations with child care providers.



MSDE has a contract with the Maryland Family Network (MFN) to provide technical assistance to child care provider applicants and licensed or registered child care providers. This function is performed by local Resource and Referral (R&R) offices throughout Maryland. Providers demonstrating consistent noncompliance with regulations are referred to the local R&R for more intense individualized technical assistance.

The Licensing Branch website houses regulations, many resource documents and forms, and general information about child care for the convenience of child care providers and the public. Soon, licensing manuals will be posted on-line for provider use. These are the manuals used by Licensing Specialist which outlines the intent of specific regulations, the inspection report items, compliance criteria, and the assessment methods to use when determining compliance with the regulations.

- **Taking Enforcement Action**

When child care facilities are determined to be out of compliance with regulations and licensing staff efforts to help providers achieve and maintain compliance are not successful, appropriate enforcement action is taken. Enforcement actions are recommended by the Regional Manager and moves through an approval process which ends with the Office of the Attorney General giving advice on legal sufficiency and representing licensing at the Office of Administrative Hearings. The Licensing Branch Chief and the Director of the Office of Child Care are involved in the process.

- **Providing Public Information**

Parents, guardians and others are welcomed to review records of licensed and registered child care providers. Upon receipt of written requests (correspondence or email), provider records are prepared for viewing in accordance with the Public Information Act. Provider compliance records are posted on-line at <http://www.checkccmd.org/> for public viewing. Staff also field numerous inquires about child care from parents, and the public in general, requesting anything from regulatory requirements to where to find child care.

## **On-going Staff Development and Training**



Staff development and training is key in ensuring that we give our customers quality service. We have an evolving comprehensive training program which consists of new hire training and on-going staff development training. Components of the training plan are incorporated into the Maryland HUB, a database which documents training that each employee completes. Additionally, the career path and qualifications required for licensing staff allows for the retention of knowledge and skills in the Licensing Branch. An individual enters into the Licensing Branch as a Licensing Trainee. After a year of training, the individual is automatically advanced to Licensing Specialist. Only a licensing specialist may advance to Lead, Supervisor, and Regional Manager. Those who ascend to Licensing Specialist Leads and Supervisors receive on the job training under the tutelage of the Regional Manager and completing various required training courses. Regional Managers gain additional leadership knowledge and skills by performing on the job duties, receiving leadership from the Branch Chief and completing various required training courses.

Other training includes:

- Bi-monthly training sessions - conducted at the regional office level for staff to ensure consistent interpretation of regulation and policy. Regulations, policies and procedures are housed on Google Docs for staff convenience.
- Bi-monthly Regional Manager's Meetings - the Licensing Branch Chief meets with all Regional Managers and Supervisors. This is a mandatory meeting. This meeting consists of updates on regulations, database systems (CCATS and ELIS), staff development training, health issues, customer service, and training on other pertinent issues as needed.
- Visits to the Regional Offices - the Licensing Branch Chief visits each regional office to assess compliance with policy and procedures and to discuss issues and concerns particularly around customer service.
- Annual Statewide Meeting - an annual all-day staff training session is conducted. It is mandatory for all licensing staff to attend. This session provides general Office of Child Care updates, refresher training on regulations, current health and safety information, and customer service.

## Regulation Review and Streamlining



At minimum, child care regulations are created based upon Maryland and Federal law:

### Annotated Code of Maryland Code References

- *Education Article Title 9.5 Subtitle 3 §§301- 321 Family Child Care Homes and Large Family Child Care Homes*
- *Education Article Title 9.5 Subtitle 4 §§401-420 Child Care Centers*
- *Education Article §§ 2-206 and 2-303 Nonpublic Schools*
- *Family Law Article Title 5 Subtitle 5 Part VI Criminal Background Investigations*
- *Human Services Article §1-202 Confidentiality of Information Child Abuse and Neglect Reports and Records.*

### Federal References

- **Americans with Disabilities Act of 1990** (42 U.S.C. §12101 et seq.)
- **Pro Children Act of 1994** (20 U.S.C. §6081 et seq.)
- **Child Care Development Block Grant Act of 2014** (42 U.S.C. 9858 et seq.) and Section 418 of the Social Security Act (42 U.S.C. 618) and **Title 45 CFR Parts 98**

Best practices are gleaned from the publication, *Caring for Our Children, National Health and Safety Performance Standards, Guidelines for Early Care and Education Programs, 3<sup>rd</sup> Edition*, and information from other States.

- **Regulation review** is constant, and new regulations are promulgated as needed. Draft regulations are shared with appropriate MSDE officials, licensing staff, the provider community in general, and with the Child Care Advisory Council. The Child Care Advisory Council consists of child care providers and other state agencies as mandated by



Maryland statute. Proposed regulations are reviewed and approved by the Office of the Attorney General staff assigned to the Division of Early Childhood Development. Through the promulgation process, the regulations are reviewed and approved by the Joint Committee on Administrative, Executive, and Legislative Review (AELR), posted in the Federal Register for public comment, and subsequently published by the Division of State Documents (DSD).

- **Periodic reviews of all licensing forms** are conducted to streamline the process. Where appropriate, universal forms are developed to decrease the overall number of forms used by child care providers throughout the application process.
- **Business processes** are reviewed periodically and streamlined for a more efficient operation.

## Communicating with the Child Care Provider Community

MSDE publishes a quarterly “PARTNERS” newsletter which is distributed to MDSE staff, all child care providers, provider organizations, and advocates, and is posted on the Division of Early Childhood Development (DECD) website. This newsletter provides current information on all aspects of DECD.



Since regulations, forms, and policies may change frequently in the Licensing Branch, an **email provider communication tree** is established in each regional office. Any information that needs to be transmitted to child care providers and provider organizations is sent expeditiously with the click of a button. Some regional offices work closely with their local R&R to send the email blast. When amended regulations are emailed, the changes are highlighted for ease of identification for the providers.

## Customer Service

The provision of Customer Service is extremely important. Governor Hogan has published a Customer Service Promise which all employees are committed to honor. It is as follows:



### THE CUSTOMER SERVICE PROMISE

**The State of Maryland pledges to provide constituents, businesses, customers, and stakeholders with services in the following manner:**

- **Friendly and Courteous:** We will be helpful and supportive and have a positive attitude and passion for what we do.
- **Timely and Responsive:** We will be proactive, take initiative and will try to anticipate your needs.
- **Accurate and Consistent:** We will always aim for 100% accuracy, and be consistent in how we interpret and implement State policies and procedures.
- **Accessible and Convenient:** We will continue to simplify and improve access to information and resources.
- **Truthful and Transparent:** We will advance a culture of honesty, clarity and trust.
- **Resolution:** We will inform constituents clearly and concisely and provide assistance in a timely manner.

## Evaluative Information

As mandated by Education Statute, the Licensing Branch's regulatory activity serves as a means for protecting the health, safety and welfare of children in out of home care. **As a measure of performance**, child care facility compliance with regulations is evaluated annually using the percent of child care facilities in compliance with critical health and safety standards. Critical health and safety standards include (1) remaining within the authorized child capacity; (2) maintaining proper child supervision and staff/child ratios; and (3) meeting child protection requirements. The data are derived from unannounced inspections of child care facilities conducted during an identified period



**Staff performance** is evaluated in accordance with the Maryland Performance Evaluation and Planning (PEP) process using performance standards as the means of measurement. Each position classification of regional staff has a specific set of performance standards with methods of measurement. Staff performance is evaluated every 6 months.

**Statistical reports** are developed and maintained by the Office of the Assistant Superintendent for the Division of Early Childhood Development and posted on the DECD website at:

<http://earlychildhood.marylandpublicschools.org/data>

### **Additional Information for Office of Child Care Licensing Branch:**

**Website information:** <http://earlychildhood.marylandpublicschools.org/child-care-providers/licensing>

**Contact Person:** Paula Johnson, Licensing Branch Chief, Maryland State Department of Education, Division of Early Childhood Development, Office of Child Care– 410-569-8071 or [paulad.johnson@maryland.gov](mailto:paulad.johnson@maryland.gov)