




**Mohammed Choudhury**  
State Superintendent of Schools

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**To:** Members of the State Board of Education  
**From:** Mohammed Choudhury, State Superintendent of Schools   
**Date:** September 27, 2022  
**Subject:** Permission to publish COMAR 13A.16.06.09 *Child Care Center*, COMAR 13A.16.06.10 *School Age Centers*, and COMAR 13A.18.06.06 *Family Child Care*.

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### **Purpose**

The purpose of this item is to request permission to publish proposed action to implement regulations COMAR 13A.16.06.09-1 Probationary Child Care Teachers in Preschool Centers, COMAR 13A.16.06.10-1 Probationary Child Care Teachers in School Age Centers, and COMAR 13A.18.06.06-1 Probationary Family Child Care Teachers. These regulations are required by House Bill 597/Senate Bill 436 from the 2021 legislative session.

### **Regulation Promulgation Process**

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

### **Background/Historical Perspective**

Section 9.5-404 of the Education Article, Annotated Code of Maryland, requires the State Board to adopt rules and regulations for licensing and operating child care centers or homes in Maryland. During the 2021 legislative session, the General Assembly passed House Bill 597/Senate Bill 436 requiring the State Board to adopt regulations that establish certain qualifications for employment for a six-month probationary period for an individual applying for the first time to be a child care teacher in a child care center or home in the State. The legislation also requires a child care center or home, at the end of a six-month probationary period, to terminate or reassign to a nonteaching

position any probationary teacher who fails to complete the requisite semester hours or training required during the 6-month period.

### **Executive Summary**

The proposed regulations for COMAR 13A.16.06.09-1, COMAR 13A.16.06.10-1 and COMAR 13A.18.06.06-1 provide that an individual is eligible for employment as a child care teacher for children ages three and older in a Maryland center or home for a probationary period of six months if the individual is applying for employment for the first time in Maryland and meets certain age, education, and training qualifications. The proposed regulations further provide that a Maryland center or home must terminate or reassign to a nonteaching position any probationary teacher who fails to complete the requisite semester hours or training required during the six-month probationary period.

### **Action**

Request permission to publish:

COMAR 13A.16.06.09-1 Probationary Child Care Teachers in Preschool Centers

COMAR 13A.16.06.10-1 Probationary Child Care Teachers in School Age Centers

COMAR 13A.18.06.06-1 Probationary Family Child Care Teachers

### **Attachments**

COMAR 13A.16.06.09-1 Probationary Child Care Teachers in Preschool Centers

COMAR 13A.16.06.10-1 Probationary Child Care Teachers in School Age Centers

COMAR 13A.18.06.06-1 Probationary Family Child Care Teachers

**Statutory Authority: Education Article § 9.5-404 = HB 597 (2021)**

COMAR 13A.16.06.09-1

*.09-1 Probationary Child Care Teachers in Preschool Centers.*

*A. An individual who has not met the requirements specified in Regulation .09 of this chapter is eligible for employment as a child care teacher for children ages 3 and older in a preschool center for a probationary period of up to 6 months if the individual:*

*(1) Is applying for employment as a child care teacher for the first time in a Maryland center or home;*

*(2) Is 19 years old or older;*

*(3) Is enrolled in 3 clock hours of approved training in complying with the Americans with Disabilities Act;*

*(4) Is enrolled in the approved basic health and safety training; and*

*(5) Meets the requirements of §B or C of this regulation.*

*B. An individual meets the requirements of §A(5) of this regulation, if the individual:*

*(1) Holds an associate degree or a bachelor's degree in:*

*(a) Early childhood education;*

*(b) Elementary education;*

*(c) Child development;*

*(d) Home economics;*

*(e) Nursing;*

*(f) Social work;*

*(g) Special education; or*

*(h) A related field approved by the Department; and*

*(2) Is enrolled in 90 clock hours or 6 semester hours of approved preservice training;*

*C. An individual meets the requirements of §A(5) of this regulation, if the individual:*

*(1) Holds an associate degree or a bachelor's degree in a field other than the fields specified in §B(1) of this regulation;*

*(2) Has successfully completed at least 45 clock hours of the 90 clock hours or 3 semester hours of the 6 semester hours of approved preservice training; and*

*(3) Is enrolled in the remaining 45 clock hours or 3 semester hours of the approved preservice training.*

*D. A probationary employee shall complete:*

*(1) The approved basic health and safety training required in §A(4) of this regulation within 90 days of employment;*

*(2) The approved training in complying with the Americans with Disabilities Act required in §A(3) of this regulation within 6 months of employment; and*

*(3) The approved preservice training required in §B(2) or C(3) of this regulation within 6 months of employment.*

E. Except as provided in §F of this regulation, a preschool center shall either terminate or reassign a probationary employee to a non-teaching position at the center if the probationary employee fails to complete any of the training requirements of this regulation within the time periods designated in §D of this regulation.

F. If a preschool center requests an extension of time for a probationary employee to complete any of the training requirements of this regulation, the Department may:

- (1) Without further cause, deny the request and direct the preschool center to either terminate or reassign the probationary employee to a non-teaching position at the center; or
- (2) Upon a showing of good cause, grant the request and allow the probationary teacher to remain in a teaching position at the center for a period of time determined by the Department and approved by the Superintendent.

#### COMAR 13A.16.06.10-1

##### .10-1 Probationary Child Care Teachers in School Age Centers.

A. An individual who has not met the requirements specified in Regulation .10 of this chapter is eligible for employment as a child care teacher in a school age center for a probationary period of up to 6 months if the individual:

- (1) Is applying for employment as a child care teacher for the first time in a Maryland center or home;
- (2) Is 19 years old or older;
- (3) Is enrolled in 3 clock hours of approved training in complying with the Americans with Disabilities Act;
- (4) Is enrolled in the approved basic health and safety training; and
- (5) Meets the requirements of §B or C of this regulation.

B. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in:
  - (a) Early childhood education;
  - (b) Elementary education;
  - (c) Child development;
  - (d) Home economics;
  - (e) Nursing;
  - (f) Social work;
  - (g) Special education; or
  - (h) A related field approved by the Department; and

(2) Is enrolled in 90 clock hours or 6 semester hours of approved preservice training;

C. An individual meets the requirements of §A(5) of this regulation, if the individual:

- (1) Holds an associate degree or a bachelor's degree in a field other than the fields specified in §B(1) of this regulation;

(2) Has successfully completed at least 45 clock hours of the 90 clock hours or 3 semester hours of the 6 semester hours of approved preservice training; and

(3) Is enrolled in the remaining 45 clock hours or 3 semester hours of the approved preservice training.

D. A probationary employee shall complete:

(1) The approved basic health and safety training required in §A(4) of this regulation within 90 days of employment;

(2) The approved training in complying with the Americans with Disabilities Act required in §A(3) of this regulation within 6 months of employment; and

(3) The approved preservice training required in §B(2) or C(3) of this regulation within 6 months of employment.

E. Except as provided in §F of this regulation, a school age center shall either terminate or reassign a probationary employee to a non-teaching position at the center if the probationary employee fails to complete any of the training requirements of this regulation within the time periods designated in §D of this regulation.

F. If a school age center requests an extension of time for a probationary employee to complete any of the training requirements of this regulation, the Department may:

(1) Without further cause, deny the request and direct the school age center to either terminate or reassign the probationary employee to a non-teaching position at the center; or

(2) Upon a showing of good cause, grant the request and allow the probationary teacher to remain in a teaching position at the center for a period of time determined by the Department and approved by the Superintendent.

#### COMAR 13A.18.06.06-1

##### .06-1 Probationary Family Child Care Teachers.

A. An individual who has not met the requirements specified in Regulation .06 of this chapter is eligible for employment as a family child care teacher for children ages 3 and older in a child care home for a probationary period of up to 6 months if the individual:

(1) Is applying for employment as a family child care teacher for the first time in a Maryland center or home;

(2) Is 19 years old or older;

(3) Is enrolled in 3 clock hours of approved training in complying with the Americans with Disabilities Act;

(4) Is enrolled in the approved basic health and safety training; and

(5) Meets the requirements of §B or C of this regulation.

B. An individual meets the requirements of §A(5) of this regulation, if the individual:

(1) Holds an associate degree or a bachelor's degree in:

- (a) Early childhood education;
- (b) Elementary education;
- (c) Child development;
- (d) Home economics;
- (e) Nursing;
- (f) Social work;
- (g) Special education; or
- (h) A related field approved by the Department; and

(2) Is enrolled in a 90-hour or 6 semester hours of approved preservice training;

C. An individual meets the requirements of §A(5) of this regulation, if the individual:

(1) Holds an associate degree or a bachelor's degree in a field other than the fields specified in §B(1) of this regulation;

(2) Has successfully completed at least 45 clock hours of the 90 clock hours or 3 semester hours of the 6 semester hours of approved preservice training; and

(3) Is enrolled in the remaining 45 clock hours or 3 semester hours of the approved preservice training.

D. A probationary employee shall complete:

(1) The approved basic health and safety training required in §A(4) of this regulation within 90 days of employment;

(2) The approved training in complying with the Americans with Disabilities Act required in §A(3) of this regulation within 6 months of employment; and

(3) The approved preservice training required in §B(2) or C(3) of this regulation within 6 months of employment.

E. Except as provided in §F of this regulation, a family child care home shall either terminate or reassign a probationary employee to a non-teaching position at the child care home if the probationary employee fails to complete any of the training requirements of this regulation within the time periods designated in §D of this regulation.

F. If a family child care home requests an extension of time for a probationary employee to complete any of the training requirements of this regulation, the Department may:

(1) Without further cause, deny the request and direct the family child care home to either terminate or reassign the probationary employee to a non-teaching position at the child care home; or

(2) Upon a showing of good cause, grant the request and allow the probationary teacher to remain in a teaching position at the child care home for a period of time determined by the Department and approved by the Superintendent.