

HOUSE BILL 392

O4, F1, O3
HB 396/20 – W&M

(PRE-FILED)

1lr0704

By: **Delegate Guyton**

Requested: July 8, 2020

Introduced and read first time: January 13, 2021

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2021

CHAPTER _____

1 AN ACT concerning

2 **Family Child Care Homes, Large Family Child Care Homes, and Child Care**
3 **Centers – Early Childhood Screening and Assistance**

4 FOR the purpose of requiring the State Department of Education to develop certain
5 guidelines for developmental screenings for certain children; requiring, beginning on
6 a certain date, family child care homes, large family child care homes, and certain
7 child care centers to offer to certain parents or guardians evaluations for certain
8 children entering the home or center based on the guidelines; requiring an employee
9 of the home or center to provide certain information and assistance to certain parents
10 or guardians under certain circumstances; requiring the home or center to provide a
11 certain evaluation and certain assistance a certain number of times per year;
12 authorizing a home or center to meet a certain requirement in a certain manner;
13 providing for a certain immunity for certain employees; providing for the application
14 of certain provisions of this Act; and generally relating to early childhood
15 developmental screenings and assistance.

16 BY adding to

17 Article – Education

18 Section 9.5–310.1 and 9.5–413.1

19 Annotated Code of Maryland

20 (2018 Replacement Volume and 2020 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Education

9.5–310.1.

(A) ON OR BEFORE JANUARY 1, 2022, THE DEPARTMENT SHALL ESTABLISH GUIDELINES FOR EARLY CHILDHOOD DEVELOPMENTAL SCREENINGS FOR CHILDREN UNDER THE AGE OF 3 YEARS TO BE USED BY A FAMILY CHILD CARE HOME AND A LARGE FAMILY CHILD CARE HOME TO:

(1) ASSESS A CHILD’S PROGRESS THROUGH FOUNDATIONAL EARLY CHILDHOOD DEVELOPMENT MILESTONES; AND

(2) SCREEN FOR POTENTIAL DISABILITIES.

(B) (1) BEGINNING JULY 1, 2022, EACH FAMILY CHILD CARE HOME AND LARGE FAMILY CHILD CARE HOME SHALL OFFER THE PARENT OR GUARDIAN OF EACH CHILD UNDER THE AGE OF 3 YEARS WHO ENTERS CARE AT THE HOME TO SCREEN THE CHILD USING THE GUIDELINES DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION.

(2) IF A PARENT OR GUARDIAN ACCEPTS THE OFFER FOR THE CHILD TO BE SCREENED, AN EMPLOYEE OF THE FAMILY CHILD CARE HOME OR THE LARGE FAMILY CHILD CARE HOME SHALL SHARE THE RESULTS OF THE SCREENING WITH THE PARENT OR GUARDIAN.

(3) AN EMPLOYEE OF THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME SHALL MAKE THE FOLLOWING INFORMATION AVAILABLE TO THE PARENT OR GUARDIAN OF EACH CHILD UNDER THE AGE OF 3 YEARS AT THE HOME:

(i) INFORMATION ABOUT THE MARYLAND INFANTS AND TODDLERS PROGRAM; AND

(ii) CONTACT INFORMATION FOR THE LOCAL LEAD AGENCY RESPONSIBLE FOR THE ADMINISTRATION OF THE MARYLAND INFANTS AND TODDLERS PROGRAM.

(4) IF A PARENT OR GUARDIAN EXPRESSES INTEREST IN CONTACTING THE LOCAL LEAD AGENCY FOR THE ADMINISTRATION OF THE MARYLAND INFANTS AND TODDLERS PROGRAM, AN EMPLOYEE OF THE FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME SHALL OFFER ASSISTANCE IN CONTACTING THE AGENCY, INCLUDING ARRANGING FOR A REPRESENTATIVE OF THE AGENCY TO COME TO THE HOME TO PROVIDE ASSISTANCE TO THE CHILD.

1 **(C) (1) EACH FAMILY CHILD CARE HOME AND LARGE FAMILY CHILD CARE**
2 **HOME SHALL OFFER THE SCREENING AND ASSISTANCE DESCRIBED IN SUBSECTION**
3 **(B) OF THIS SECTION TO PARENTS AND GUARDIANS AT LEAST TWO TIMES EACH**
4 **YEAR.**

5 **(2) A FAMILY CHILD CARE HOME OR A LARGE FAMILY CHILD CARE**
6 **HOME MAY MEET THE REQUIREMENTS OF THIS SUBSECTION BY COMMUNICATING**
7 **THE EXISTENCE OF THE SCREENING AND ASSISTANCE DESCRIBED UNDER**
8 **SUBSECTION (B) OF THIS SECTION THROUGH A PERSONAL MESSAGE TO A PARENT**
9 **OR GUARDIAN, INCLUDING THROUGH AN E-MAIL, A TEXT, OR A TELEPHONE CALL.**

10 **(D) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**
11 **WHO OFFERS A SCREENING UNDER THIS SECTION IN GOOD FAITH TO A CHILD IN**
12 **ACCORDANCE WITH THE DEPARTMENT'S GUIDELINES IS IMMUNE FROM ANY CIVIL**
13 **LIABILITY THAT MAY ARISE OUT OF THE SCREENING.**

14 **9.5-413.1.**

15 **(A) THIS SECTION APPLIES TO CHILD CARE CENTERS THAT ARE REQUIRED**
16 **TO BE LICENSED OR HOLD A LETTER OF COMPLIANCE UNDER THIS SUBTITLE.**

17 **(B) ON OR BEFORE JANUARY 1, 2022, THE DEPARTMENT SHALL ESTABLISH**
18 **GUIDELINES FOR EARLY CHILDHOOD DEVELOPMENTAL SCREENINGS FOR**
19 **CHILDREN UNDER THE AGE OF 3 YEARS TO BE USED BY CHILD CARE CENTERS TO:**

20 **(1) ASSESS A CHILD'S PROGRESS THROUGH FOUNDATIONAL EARLY**
21 **CHILDHOOD DEVELOPMENT MILESTONES; AND**

22 **(2) SCREEN FOR POTENTIAL DISABILITIES.**

23 **(C) (1) BEGINNING JULY 1, 2022, EACH CHILD CARE CENTER SHALL**
24 **OFFER THE PARENT OR GUARDIAN OF EACH CHILD UNDER THE AGE OF 3 YEARS WHO**
25 **ENTERS CARE AT THE CENTER TO ~~EVALUATE~~ SCREEN THE CHILD USING THE**
26 **GUIDELINES DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.**

27 **(2) IF A PARENT OR GUARDIAN ACCEPTS THE OFFER FOR THE CHILD**
28 **TO BE ~~EVALUATED~~ SCREENED, AN EMPLOYEE OF THE CHILD CARE CENTER SHALL**
29 **SHARE THE RESULTS OF THE ~~EVALUATION~~ SCREENING WITH THE PARENT OR**
30 **GUARDIAN.**

31 **(3) AN EMPLOYEE OF THE CHILD CARE CENTER SHALL MAKE THE**
32 **FOLLOWING INFORMATION AVAILABLE TO THE PARENT OR GUARDIAN OF EACH**
33 **CHILD UNDER THE AGE OF 3 YEARS AT THE CENTER:**

1 (I) INFORMATION ABOUT THE MARYLAND INFANTS AND
2 TODDLERS PROGRAM; AND

3 (II) CONTACT INFORMATION FOR THE LOCAL LEAD AGENCY
4 RESPONSIBLE FOR THE ADMINISTRATION OF THE MARYLAND INFANTS AND
5 TODDLERS PROGRAM.

6 (4) IF A PARENT OR GUARDIAN EXPRESSES INTEREST IN CONTACTING
7 THE LOCAL LEAD AGENCY FOR THE ADMINISTRATION OF THE MARYLAND INFANTS
8 AND TODDLERS PROGRAM, AN EMPLOYEE OF THE CHILD CARE CENTER SHALL
9 OFFER ASSISTANCE IN CONTACTING THE AGENCY, INCLUDING ARRANGING FOR A
10 REPRESENTATIVE OF THE AGENCY TO COME TO THE CENTER TO PROVIDE
11 ASSISTANCE TO THE CHILD.

12 (D) (1) EACH CHILD CARE CENTER SHALL OFFER THE ~~EVALUATION~~
13 SCREENING AND ASSISTANCE DESCRIBED IN SUBSECTION (C) OF THIS SECTION TO
14 PARENTS AND GUARDIANS AT LEAST TWO TIMES EACH YEAR.

15 (2) A CHILD CARE CENTER MAY MEET THE REQUIREMENTS OF THIS
16 SUBSECTION BY COMMUNICATING THE EXISTENCE OF THE ~~EVALUATION~~ SCREENING
17 AND ASSISTANCE DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION ~~IN PLAIN~~
18 ~~LANGUAGE IN A MANNER THAT A PARENT OR GUARDIAN IS LIKELY TO SEE THROUGH~~
19 A PERSONAL MESSAGE TO A PARENT OR GUARDIAN, INCLUDING THROUGH AN
20 E-MAIL, A TEXT, OR A TELEPHONE CALL.

21 (E) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE
22 WHO OFFERS ~~AN EVALUATION~~ A SCREENING UNDER THIS SECTION IN GOOD FAITH
23 TO A CHILD IN ACCORDANCE WITH THE DEPARTMENT'S GUIDELINES IS IMMUNE
24 FROM ANY CIVIL LIABILITY THAT MAY ARISE OUT OF THE SCREENING.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2021.