



TO: Members of the State Board of Education

FROM: MSDE Governmental Affairs, Education Policy, and External Relations Unit on behalf of Dr. Sylvia Lawson, Acting State Superintendent of Schools

DATE: October 17, 2023

SUBJECT: October Board Meeting (COMAR Agenda)

Maryland State Board of Education - October 24, 2023 Board Meeting

Permission to Publish	Permission to Adopt
<ul style="list-style-type: none"> COMAR 13A.08.01.02-3 Kindergarten Readiness Assessment (<i>Chandra</i>) COMAR 13A.16.08, 13A.17.08 Child Care Centers and Letters of Compliance (School Age) (<i>Dr. Cook</i>) 	<ul style="list-style-type: none"> COMAR 13A.16.06.09-1, 13A.16.06.10-1 and 13A.18.06.06 - Child Care Centers and Large Family Child Care (Probationary Child Care Teachers) COMAR 13A.15.02.02, 13A.16.02.02, 13A.17.02.02, 13A.18.02.02 Child Care (Licensing Process includes obtaining either the SSN or ITIN from applications) COMAR 13A.08.04 Student Behavior Intervention: Restraint and Seclusion

Permission to Publish

Child Care Centers and Letters of Compliance (School Age)

- Background:** In 2021, the OCC Advisory Council spearheaded a School-Age Workgroup that reviewed all existing regulations pertaining to children in a school-age childcare setting (these centers serve children spanning a wider range of ages, some of which are of school age). The Work Group made recommendations related to group size and staffing requirements for school-age children, therefore, the proposed amendments pertain to the maximum group size allowed in certain childcare centers, and required training for staff in all centers that serve school-aged children.
- Summary of Proposed Regulation:** The School Age regulatory change being introduced to the Board has two components:

 - Under current regulations, a group of school-aged children (ages 5 and older) must have a staff/child ratio of 1 to 15 and a maximum group size of 30. Under the proposed amendment, a center located in a school building may utilize a maximum group size of 45 when staffed by at least 1 teacher, 1 assistant teacher, and 1 aide.
 - Under current regulations related to staff training, groups that include infants, toddlers, or preschoolers must have at least 1 staff member who is certified in approved first aid and CPR for every

20 children. However, groups consisting *exclusively* of school-age children must have at least 1 staff member who is certified in approved first aid and CPR for every 30 children. This regulatory amendment adjusts the requirements surrounding a staff's CPR and First Aid (FA) certification training for staff to allow the FA/CPR certification ratio to be increased to one certified staff member for every 30 children (in the school-age setting), as opposed to the current requirement for one staff member for every 20 children. These changes provide additional flexibility to centers and letter of compliance facilities that are located in school buildings and serve school-age children while ensuring appropriate supervision and care based on the age groups present.

Kindergarten Readiness Assessment (KRA)

- **Background:** In the AIB's Blueprint Implementation Plan, the agency indicated that MSDE should adopt regulations to implement the assessment requirements for the Kindergarten Readiness Assessment (KRA) in 2023. While the KRA is currently being administered across all 24 LEAs, the regulatory language surrounding the KRA must be updated to reflect this current practice.
- **Summary of Proposed Regulation:** The proposed changes to the Kindergarten Readiness Assessment (KRA) regulations seek to align the requirements for the administration of the KRA assessment with the updated statute (7-210). The proposed amendment for COMAR 13A.08.01.02-3 removes the language involving "representative sample assessment processes" and "full-census assessment process" to replace it with language that will establish the requirement for each local education agency (LEA) to administer a Department-approved kindergarten readiness assessment to all incoming kindergarten students.
- The amendments to the statute that converted the KRA from a representative sample to a statewide assessment were part of the Blueprint legislation. As such, consultation is required. MSDE engaged with AIB on October 4, 2023. (Section 5-404(g) of the Education Article provides that "[a unit of State government required to implement an element of the Blueprint for Maryland's Future shall, before adopting regulations relating to the Blueprint, consult with the [Accountability and Implementation] Board.")

Permission to Adopt

Child Care Centers and Large Family Child Care (Probationary Child Care Teachers)

- **Background:** These regulations resulted from a statutory change (House Bill 597/Senate Bill 436 of 2021), which required MSDE and the State Board to adopt certain rules and regulations adjusting teacher qualifications for the licensing and operating of child care centers.
- **Summary of Proposed Regulation:** The proposed amendments for COMAR 13A.16.06.09-1, 13A.16.06.10-1, and 13A.18.06.06-1 will allow child care programs to hire an individual who is eligible for employment as a child care teacher for children ages 3 and older in a Maryland center, or home, for a probationary period of 6 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 also provide that a Maryland center or home must terminate or reassign any probationary teacher who fails to complete the requisite semester hours or training required during the six-month probationary period to a non-teaching position.

Child Care Regulations (Licensing Process includes obtaining either the SSN or ITIN from applications)

- **Background:** In February 2022, the MSDE Division of Early Childhood, Office of Child Care released written guidance to early care and education programs stating that applicants for child care registration or a center

license, including co-providers are required to provide their Social Security Number (SSN) when applying. This also extended to certain individuals working within child care centers. Stakeholders shared examples of the difficulty prospective providers faced in obtaining an SSN to operate a licensed and regulated child care facility in Maryland.

- **Summary of Proposed Regulation:** To this end, MSDE proposed revisions to COMAR to eliminate the barrier posed by SSN requirements. This proposed regulation amendment (that is, using the SSN and if the applicant does not have an SSN would use the ITIN) are amended to be more inclusive of those who do not have an SSN but do have an Individual Taxpayer Identification Number (ITIN). The regulation revisions are expected to bring more providers into licensed and regulated early care and education programs.

Student Behavior Intervention: Restraint and Seclusion

- **Background:** During the 2022 legislative session, the Maryland General Assembly enacted House Bill (HB) 1255 Physical Restraint and Seclusion – Limitations, Reporting, and Training, which made statutory changes to Md. Code, Education § 7-1101 and mandated that the Department adopt regulations to implement the law.
- **Summary of Proposed Regulation:** Following a period of LEA data collection and the Restraint and Seclusion Focus Group (which met five times between October 2022 and March 2023), MSDE proposed regulations to align COMAR with the new statutory language of HB1255. Amendments to the definition of restraint and seclusion, updates for its use, and new sections surrounding notice, review, assessment, recommendations, and corrective action regarding the use of restraint and seclusion were revised to align with the statute.

Among many additional revisions, MSDE added “evidence-based, trauma-informed crisis prevention intervention program” language and amended language for periods of exclusion to align with MSDE standards. Additionally, requirements for Section 504 students were explicitly added to the regulatory text in sections that formerly only included students with IEPs. Expanded measures for documentation of restraint and seclusion incidents and reporting requirements are also stated. The proposed regulation received no comments during its public comment period in the Maryland Register, which ended on October 8th, 2023.