

Department of Legislative Services  
 Maryland General Assembly  
 2021 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 392

(Delegate Guyton)

Ways and Means

Education, Health, and Environmental Affairs

Family Child Care Homes, Large Family Child Care Homes, and Child Care Centers - Early Childhood Screening and Assistance

This bill requires the Maryland State Department of Education (MSDE), by January 1, 2022, to establish guidelines for early childhood developmental screenings for children younger than age three to (1) assess a child’s progress through foundational early childhood development milestones and (2) screen for potential disabilities. Beginning July 1, 2022, each child care center that is required to be licensed or to hold a letter of compliance and family child care home (including a large family child care home) must offer to the parent or guardian of each child younger than age three who enters care at the home or center a screening of the child using the developed guidelines. **The bill takes effect July 1, 2021.**

Fiscal Summary

**State Effect:** General fund expenditures increase by at least \$78,800 in FY 2022. Future year expenditures reflect annualization and ongoing expenses. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	78,800	93,600	96,500	99,900	103,500
Net Effect	(\$78,800)	(\$93,600)	(\$96,500)	(\$99,900)	(\$103,500)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

## Analysis

**Bill Summary:** If a parent or guardian accepts the offer for the child to be screened, an employee of the family child care home or child care center must share the results of the screening with the parent or guardian. An employee of the child care home or center must make specified information regarding the Maryland Infants and Toddlers Program available to the parent or guardian of each child younger than age three. 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 child care home or center must offer assistance in contacting the agency, including arranging for a representative of the agency to come to the home or center to provide assistance to the child.

Each child care home or center must offer the screening and assistance to parents and guardians at least two times each year. A child care home or center may meet the bill's requirements by communicating the existence of the screening and assistance through a personal message to a parent or guardian, including through an email, text, or telephone call. Except for any willful or grossly negligent act, an employee who offers a screening in good faith to a child in accordance with MSDE's guidelines is immune from civil liability.

**Current Law:** Generally, a person must be licensed by MSDE before operating a child care center; religious organizations meeting specified requirements may instead operate under a letter of compliance. "Child care center" means 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 who do not have the same parentage except as otherwise provided for in law or regulation. The State Board of Education must adopt regulations relating to the licensing and operation of child care centers.

Family child care is the care given to a child younger than age 13 or to any developmentally disabled person younger than age 21, in place of parental care for less than 24 hours per day, in a residence other than the child's residence, for which the child care provider is paid. A family child care home is a residence in which family child care is provided for up to 8 children. A large family child care home is a residence in which family child care is provided for at least 9 children, but not more than 12 children. MSDE is responsible for registering family child care homes and large family child care homes. The State Board of Education must adopt regulations relating to the registration of family child care homes and large family child care homes.

The Infants and Toddlers Program within MSDE provides early intervention services for children with developmental delays and disabilities and their families beginning at birth until the child reaches kindergarten age. The purpose of the program is to provide a

statewide, community-based interagency system of comprehensive early intervention services to eligible children and their families.

**State Expenditures:** General fund expenditures increase by at least \$78,812 in fiscal 2022, which assumes a 90-day start-up delay from the bill’s effective date of July 1, 2021. This estimate reflects the cost of hiring one education specialist to assist with the development and implementation of the screening requirements (which must be available starting July 1, 2022) and additional oversight of the screening guidelines for child care programs to help ensure compliance with the new requirements. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$73,231
Operating Expenses	5,581
<b>Total FY 2022 State Expenditures</b>	<b>\$78,812</b>

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses. Depending on the specific guidelines and associated procedures adopted by MSDE, general fund expenditures *may* also increase to provide training and/or ongoing technical assistance to providers, and for additional licensing staff to assist with any enhanced monitoring of child care providers for compliance. *For illustrative purposes only*, costs associated with each licensing specialist are at least \$80,000 annually.

The Developmental Disabilities Administration (DDA) within the Maryland Department of Health has previously advised (in response to a request for information regarding similar legislation introduced in the prior legislative session) that the number of children who will be referred for further evaluation and deemed eligible for DDA services will not materially affect expenditures.

**Small Business Effect:** Child care providers must offer screenings and assistance, if requested, in facilitating contact with the local agency that administers the Maryland Infants and Toddlers Program. Any specific impact on child care providers will depend on the screening guidelines developed by MSDE. However, such impacts may include costs for the screening tool and potential training necessary to conduct the screenings, as well as the need to have staff available to conduct the screenings and share results with parents/guardians. These impacts may be particularly burdensome on family child care providers, who may have limited (or no) additional staff.

## **Additional Information**

**Prior Introductions:** HB 396 of 2020, a similar bill, passed the House as amended and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Maryland Department of Disabilities; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:**      First Reader - January 26, 2021  
rh/rhh                              Third Reader - March 29, 2021  
   Revised - Amendment(s) - March 29, 2021  
   Revised - Clarification - March 29, 2021

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