

**Title 13A STATE BOARD OF EDUCATION
Subtitle 14 CHILD AND FAMILY DAYCARE
Chapter 07 Family Day Care Provider Direct Grant Fund**

Authority: Family Law Article, §§5-550—5-557 and 5-559.1—5.559.8, Annotated Code of Maryland

NOTE TO READER:

This chapter of regulations was previously codified as Code of Maryland Regulations (COMAR) 07.04.07. Effective January 1, 2006, the chapter was re-codified as COMAR 13A.14.07.

Table of Contents

Regulation	.01	Scope
	.02	Definitions
	.03	Fund Uses and Limitations
	.04	Applications
	.05	Awards
	.06	Prohibitions and Penalties
		Administrative History of Chapter

.01 Scope.

This chapter sets forth the purpose of the Family Day Care Provider Direct Grant Fund, the requirements for applying for an award under the Fund, the basis and procedure for making an award, and the penalties for providing false information in order to obtain an award.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Annual family income" means the combined annual adjusted gross income, as reported for federal tax purposes, of all members of the applicant's household.

(2) "Applicant" means the provider who has applied to the Office to receive an award through the Fund.

(3) "Award" means the grant amount awarded through the Fund to an approved applicant.

(4) "Department" means the State Department of Education.

(5) "Fund" means the Family Day Care Provider Direct Grant Fund.

(6) "Grantee" means the person who has received an award through the Fund.

(7) "Office" means the Office of Licensing in the Office of Child Care of the Department.

(8) "Provider" means a registered family day care provider who cares for not more than eight children under a current certificate of registration issued under COMAR 13A.14.01.

.03 Fund Uses and Limitations.

A. The Fund is used to provide reimbursement to providers for expenses necessary to achieve or maintain compliance with the requirements of COMAR 13A.14.01.

B. Reimbursement for compliance-related expenses shall be made in the form of an award.

C. Awards shall be:

(1) Made only to providers; and

(2) Used by grantees only as reimbursement for their compliance-related expenses, which include:

(a) The fee for a medical examination, medical testing, or immunization required for registration application purposes;

(b) The cost of:

(i) Attending an approved provider training course,

(ii) Applying for a required criminal background investigation,

(iii) Meeting local zoning, health and safety, or fire requirements applicable to family day care,

(iv) Water testing or sanitarian inspection, if required,

(v) Lead paint or asbestos abatement, testing, or control,

(vi) Small household repairs or alterations necessary to allow child care activities to take place or to ensure the safety of children in care,

(vii) Obtaining appropriate toys or equipment for child care activities,

(viii) Educational materials for use by children in care,

(ix) Arts and crafts supplies for use by children in care; and

(c) Other costs which are identified and approved by the Office as necessary for the applicant to comply with the requirements of COMAR 13A.14.01.

D. An award may not exceed \$500.

E. A grantee may not receive more than one award during the existence of the Fund.

.04 Applications.

A. The Office shall accept applications for an award only from providers.

B. To apply for an award, the provider shall submit to the Office a complete application, which includes:

- (1) An application form, supplied by the Office, which is completed and signed by the applicant;
- (2) Documentation of each expense claimed for reimbursement, which shall consist of the original or a copy of a dated sales slip or other written receipt which shows the specific nature and amount of the expense; and
- (3) Any other relevant information required by the Office, which may include written verification of the applicant's annual family income.

C. An applicant may be determined eligible for an award if:

- (1) The application is complete;
- (2) No enforcement action by the Office against the applicant has been in effect or initiated during the applicant's current family day care registration period; and
- (3) The applicant's annual family income does not exceed 60 percent of the State median income (SMI) for the applicant's family size during the current October 1—September 30 period.

D. State Median Income (SMI).

- (1) The Office shall amend this regulation annually to show 60 percent of the SMI for family size for the current October 1—September 30 period.
- (2) For the period October 1, 2000—September 30, 2001, 60 percent of the SMI for family size is as follows:

<i>Family Size</i>	<i>60% of SMI</i>
1 individual	\$22,278
2 individuals	\$29,133
3 individuals	\$35,988
4 individuals	\$42,842
5 individuals	\$49,697
6 individuals	\$56,552
7 individuals	\$57,837
8 individuals	\$59,123
9 individuals	\$60,408
10 individuals*	\$61,693

* For each additional family member above 10 individuals, add \$1,285 to the 60 percent of SMI figure shown for a family of 10.

- (3) Until each annual amendment of this regulation becomes effective, the Office shall continue to apply 60 percent of the SMI applicable to the most recent October 1—September 30 period.

E. Determination of Eligibility.

- (1) The Office shall determine an applicant's eligibility within 35 calendar days after a complete

application is received by the Office.

(2) The month in which the Office determines an applicant's eligibility is considered the applicant's first month of eligibility.

(3) Determination by the Office that an applicant is eligible for an award does not guarantee that an award will be made to the applicant.

F. Notification.

(1) Within 15 calendar days of determining an applicant's eligibility, the Office shall notify the applicant in writing of the outcome of that determination.

(2) If the applicant is found eligible for an award, the notification shall state that, pursuant to Regulation .05 of this chapter:

(a) Awards are made on the basis of assigned award priority and the availability of funding; and

(b) If an award is not made to the applicant on the basis of the applicant's first month of eligibility, the applicant shall be reconsidered for an award during each of the next 2 months.

(3) If the applicant is found ineligible for an award, the Office shall:

(a) Specify the reason for ineligibility; and

(b) Return to the applicant all application materials submitted by the applicant.

.05 Awards.

A. For award purposes, the Office shall divide the annual fund allocation into 12 equal monthly funding allocations.

B. Award Priority.

(1) The Office shall assign an award priority to each applicant, with a higher priority being assigned to an applicant with a lower income.

(2) Award priorities are assigned each month according to the incomes of all applicants who are eligible for an award during that month.

C. During each month, the Office shall make awards according to assigned award priority until:

(1) An award has been made to each eligible applicant; or

(2) The monthly funding allocation is exhausted.

D. Within 15 calendar days after the end of each month, the Office shall:

(1) Provide notification of an award to each applicant to whom an award was made during that month; and

(2) Issue instructions for payment of each award made during that month.

E. Reconsideration for Award.

(1) If, due to exhaustion of the monthly funding allocation, an award is not made to an applicant on the basis of the applicant's first month of eligibility, the Office shall reconsider the applicant for an award during the next 2 months.

(2) The Office may assign a new award priority to an applicant during each month that the applicant is reconsidered for an award.

(3) The Office may not reconsider an applicant for an award after the second month following the applicant's first month of eligibility.

F. At the end of a month, any unused funding allocation for that month shall be:

(1) Added to the funding allocation for the next month; and

(2) Available for award purposes during the next month.

G. The Office may make an award for less than the amount requested by the applicant, but may not make an award for more than the amount requested.

.06 Prohibitions and Penalties.

A. A person may not knowingly make or cause to be made any false statement or report:

(1) In any application or in any document furnished to the Office under the requirements of this chapter; or

(2) For the purpose of influencing the action of the Office on:

(a) An application for an award, or

(b) Any matter related to an award, whether or not the award may already have been made.

B. A person who violates any provision of this regulation, or who assists another person to violate any provision of this regulation, is guilty of a misdemeanor, and on conviction is subject to:

(1) A fine not exceeding \$1,000;

(2) Imprisonment in the penitentiary not exceeding 1 year; or

(3) Both §B(1) and (2) of this regulation.

Administrative History

Effective date: September 1, 1999 (26:17 Md. R. 1321)

Regulation .04D amended effective January 22, 2001 (28:1 Md. R. 25)

Transferred from COMAR 07.04.07 to 13A.14.07 effective January 1, 2006