



Committee: Directly to Council

Committee Review: N/A

Staff: Vivian Yao, Legislative Analyst

Purpose: Receive briefing and have discussion – no vote expected

Keywords: #EEE Hubs, #child care

AGENDA ITEM #5A.1

November 17, 2020

Discussion

SUBJECT

Discussion - MSDE Rejection of Waiver Request for Relaxed Childcare Teacher-Child Ratios

EXPECTED ATTENDEES

Dr. Raymond Crowel, Director, Department of Health and Human Services (DHHS)

JoAnn Barnes, Chief, Children, Youth and Family Services, DHHS

Barbara Andrews, Administrator, Early Childhood Services DHHS

Jennifer Arnaiz, Director, Montgomery County Child Care Resource and Referral Center, DHHS

DESCRIPTION/ISSUE

The Council is scheduled to discuss the denial by Dr. Karen Salmon, the Maryland State Superintendent of School of the County Executive's waiver request for relaxing the COMAR-mandated child care teacher to student ratios for three and four-year-olds.

On October 1, 2020, Governor Hogan announced that childcare programs in Maryland would again be subject to Code of Maryland Regulations (COMAR), lifting relaxed group sizes and staff-child ratios approved during Phase 1 and 2 of the Governor's Maryland Strong: Roadmap to Recovery reopening plan. During Phase 2 of the State COVID-19 reopening plan for child care, the State Superintendent allowed the temporary relaxation of teacher to student ratios for three and four-year-olds at 1:14, recognizing challenges faced by child care providers. The COMAR standard is 1:10.

In his November 4 letter to Dr. Salmon (©1-2), the Executive requested a waiver to continue at the Phase 2 level because Montgomery County has not move to Phase 3 of reopening; the recent increase in COVID-19 cases and a continued high percentage of new cases in the zero to 19-year-old age group suggest the need to continuing restrictions. Moreover, child care businesses are still struggling to continue operations in the County, and some providers may have great difficulty in implementing COMAR-mandated staffing ratios at this time.

In Dr. Salmon's November 13 reply (©3), she denied the Executive request citing that MSDE will enforce the licensing regulations which are important to ensure the safety of children.

This report contains:

November 4, 2020 letter from the County Executive to Maryland State
Superintendent of Schools

© 1-2

November 13, 2020 letter from Maryland State Superintendent of Schools
to the County Executive

© 3

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OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

November 4, 2020

Karen B. Salmon, Ph.D.
State Superintendent of Schools
Office of State Superintendent
State Department of Education
200 West Baltimore Street,
Baltimore, Maryland 21201

Dear Dr. Salmon:

On October 1, 2020, Governor Hogan announced that childcare programs in Maryland would again be subject to Code of Maryland Regulations (COMAR), lifting relaxed group sizes and staff-child ratios approved during Phase 1 and 2 of the Governor's *Maryland Strong: Roadmap to Recovery* reopening plan. Montgomery County has yet to move to Phase 3 of the plan based on data that show a recent increase in COVID-19 cases and a continued high percentage of new cases in the zero to 19-year-old age group. On October 6, 2020, Montgomery County decided that childcare providers would remain in Phase 2 of the reopening plan, and therefore, childcare enrollment will be subject to current group size restrictions, as follows:

- 15 people maximum in a classroom for childcare centers
- 15 people maximum per household for family childcare homes

In returning to the standards established in COMAR, childcare programs are required to maintain a 1:10 teacher-child ratio for classrooms with 3 and 4-year-olds. It is my understanding that although jurisdictions can limit childcare program group sizes, they do not have the authority to revise this teacher-child ratio. Therefore, I am requesting an accommodation in the form of a waiver that would allow Montgomery County to maintain the relaxed teacher-child ratios that were in place before the Governor advanced his reopening plan to Phase 3.

To continue to mitigate transmission, Montgomery County is following the guidance outlined by the Center of Disease Control and Prevention (CDC). The CDC recommends that childcare use a cohort model of care and learning experiences with full capacity levels between 25 to 50 percent. Children and staff in the same class cohort can learn, eat, play and access facilities together but should not mix with children or staff in other class cohorts.

Karen B. Salmon, Ph.D.
November 4, 2020
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Thank you for considering this request, and I look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Elrich". The signature is fluid and cursive, with the first name "Marc" written in a larger, more prominent script than the last name "Elrich".

Marc Elrich

cc: Hon. Steven R. Schuh
Hon. Anne Kaiser
Hon. Craig Zucker
Hon. Marc Korman



Karen B. Salmon, Ph.D.
State Superintendent of Schools

November 13, 2020

The Honorable Marc Elrich
County Executive
Montgomery County
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850

Dear County Executive Elrich:

Thank you for your correspondence requesting a waiver to allow Montgomery County to maintain the relaxed teacher-child ratios that were in place before the Governor advanced his reopening plan to Stage 3.

During Stage 2, I had increased capacity per room in child care programs from 10 to 15 persons. Recognizing the challenges faced by child care providers, I temporarily allowed the relaxation of ratios for PreK to 1 to 14. When each county has met the metric by which schools can safely reopen, I expanded the capacity limits to licensed capacity and directed a return to ratios per COMAR. Jurisdictions may implement stricter guidelines if they choose.

The ratios in the licensing regulations are important in ensuring the safety of children. It is my responsibility to ensure that all children in licensed child care programs are kept safe. In order to do that, we will enforce the regulations regarding ratios. Therefore, I must deny your request for a waiver. If you need additional information, please contact Assistant State Superintendent Steven Hicks at steven.hicks@maryland.gov or (410) 375-9908.

Best Regards,



Karen B. Salmon, Ph.D.
State Superintendent of Schools