

HOUSE BILL 477

F5

5lr1764

By: **Delegates Barnes and McCaskill**

Introduced and read first time: January 20, 2025

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Family Child Care Homes and Child Care Centers – Adult to Child Ratios –**
3 **Alterations**

4 FOR the purpose of altering the number of children under a certain age that are authorized
5 to be in care in a family child care home; altering certain ratios for adults to children
6 of certain ages in family child care homes and child care centers; and generally
7 relating to limits on the number of young children in child care settings.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 9.5–305 and 9.5–404(b)(13) and (c)
11 Annotated Code of Maryland
12 (2022 Replacement Volume and 2024 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Education
15 Section 9.5–404(a)
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2024 Supplement)

18 BY adding to
19 Article – Education
20 Section 9.5–404(c)
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2024 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9.5–305.

2 (a) For purposes of this subtitle, a child care provider's own children under the
3 age of 2 years shall be counted as children served.

4 (b) (1) In a family child care home:

5 (i) There may not be more than:

6 1. 8 children in care at any given time; and

7 2. [4] 5 children under the age of 2 years; and

8 (ii) There shall be an adult to child ratio of at least 1 adult to every
9 [2]:

10 1. 4 CHILDREN UNDER THE AGE OF 1 YEAR; AND

11 2. 5 children AT LEAST 1 YEAR OLD AND under the age of 2
12 years.

13 (2) (I) In a large family child care home:

14 [(i)] 1. There may not be more than 12 children in care at any
15 given time; and

16 [(ii)] 2. [There] **SUBJECT TO SUBPARAGRAPH (II) OF THIS**
17 **PARAGRAPH, THERE** shall be a limit on the number of children under the age of 2 years
18 and an adult to child ratio that comply with regulations adopted by the Department under
19 § 9.5–303 of this subtitle.

20 **(II) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
21 **THE DEPARTMENT MAY NOT SET A LIMIT ON THE NUMBER OF CHILDREN UNDER THE**
22 **AGE OF 2 YEARS AND THE ADULT TO CHILD RATIO THROUGH REGULATION THAT IS**
23 **MORE STRINGENT THAN THE LIMIT AND RATIO FOR A FAMILY CHILD CARE HOME**
24 **UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

25 (c) If the Department determines that the group size provisions of subsection (b)
26 of this section are unsuitable for a particular family child care home or large family child
27 care home, the Department may decrease the number of children permitted to be in care at
28 that family child care home or large family child care home.

29 9.5–404.

30 (a) The State Board shall adopt rules and regulations for licensing and operating
31 child care centers.

(b) These rules and regulations shall:

(13) Subject to subsection [(c)] (D) of this section, establish probationary employment qualifications for an individual who is applying for the first time to be a child care teacher in a child care center in the State that serves preschool or school-age children who are at least 3 years old.

(C) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL REQUIRE A CHILD CARE CENTER TO HAVE A RATIO OF AT LEAST 1 ADULT TO EVERY:

(1) 4 CHILDREN UNDER THE AGE OF 1 YEAR; AND

(2) 5 CHILDREN AT LEAST 1 YEAR OLD AND UNDER THE AGE OF 2 YEARS.

[(c)] (D) (1) The probationary employment qualifications established under subsection (b)(13) of this section shall allow an individual to be employed as a child care teacher during a probationary period if the individual:

(i) 1. Is enrolled in approved pre-service training;

2. Successfully completes the required 90 hours of the approved pre-service training within 6 months after being hired; and

3. Holds an associate degree or a bachelor's degree in:

A. Early childhood education;

B. Elementary education;

C. Child development;

D. Home economics;

E. Nursing;

F. Social work;

G. Special education; or

H. A related field approved by the Department; or

(ii) 1. Is enrolled in approved pre-service training;

3. Successfully completes the remaining hours of the pre-service training within 6 months after being hired; and

4. Holds an associate degree or a bachelor's degree in a field other than a field listed under item (i)3 of this paragraph.

(2) If, at the end of the 6-month probationary period, an individual described in paragraph (1) of this subsection has not completed the required pre-service training, the child care center shall, with no further cause, terminate the individual or reassign the individual to a nonteaching position.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.