

HOUSE BILL 477

F5

5lr1764

By: **Delegates Barnes and McCaskill**

Introduced and read first time: January 20, 2025

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2025

CHAPTER _____

1 AN ACT concerning

2 ~~**Family Child Care Homes and Child Care Centers – Adult to Child Ratios –**~~
3 ~~**Alterations**~~
4 **State Department of Education – Family Child Care Homes and Child Care**
5 **Centers – Regulatory Analysis**

6 FOR the purpose of ~~altering the number of children under a certain age that are authorized~~
7 ~~to be in care in a family child care home; altering certain ratios for adults to children~~
8 ~~of certain ages in family child care homes and child care centers; requiring the State~~
9 Department of Education to conduct a thorough analysis of the State's regulatory
10 requirements of certain child care facilities and report the results of its analysis on
11 or before certain dates; and generally relating to limits on the number of young
12 children in child care settings an analysis of the regulatory requirements for child
13 care facilities in the State.

14 ~~BY repealing and reenacting, with amendments,~~
15 ~~Article – Education~~
16 ~~Section 9.5–305 and 9.5–404(b)(13) and (c)~~
17 ~~Annotated Code of Maryland~~
18 ~~(2022 Replacement Volume and 2024 Supplement)~~

19 ~~BY repealing and reenacting, without amendments,~~
20 ~~Article – Education~~
21 ~~Section 9.5–404(a)~~
22 ~~Annotated Code of Maryland~~
23 ~~(2022 Replacement Volume and 2024 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY adding to~~
~~Article — Education~~
~~Section 9.5 — 404(e)~~
~~Annotated Code of Maryland~~
~~(2022 Replacement Volume and 2024 Supplement)~~

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

~~Article — Education~~

~~9.5 — 305.~~

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

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

~~(i) There may not be more than:~~

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

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

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

~~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.~~

~~(2) (1) In a large family child care home:~~

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

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

~~(II) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT MAY NOT SET A LIMIT ON THE NUMBER OF CHILDREN UNDER THE AGE OF 2 YEARS AND THE ADULT TO CHILD RATIO THROUGH REGULATION THAT IS~~

~~MORE STRINGENT THAN THE LIMIT AND RATIO FOR A FAMILY CHILD CARE HOME UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

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

~~9.5-404.~~

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

~~(b) These rules and regulations shall:~~

~~(13) Subject to subsection [(e)] (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.~~

~~[(e)] (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;~~

~~2. Has successfully completed at least 45 hours of the approved pre-service training at the time the child care center hires the individual;~~

~~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 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(a) In this section, "child care facility" means:

(1) a child care center, as defined under § 9.5–401 of the Education Article;

(2) a family child care home, as defined under § 9.5–301 of the Education Article; or

(3) a large family child care home, as defined under § 9.5–301 of the Education Article.

(b) The State Department of Education shall conduct a thorough analysis of the State's regulatory requirements for child care facilities.

(c) (1) In conducting the analysis required under subsection (b) of this section, the Department shall pay particular attention to current regulations that limit the ability of a person to:

(i) register a family child care home or a large family child care home;

(ii) receive a license to operate a child care center; or

(iii) operate a child care facility in a profitable manner while providing quality, affordable child care.

(2) In conducting its analysis, the Department shall, at a minimum, analyze the current regulatory framework governing:

(i) the staffing of child care facilities, including the requirements to work in child care and the supervisory requirements for child care staff;

(ii) the physical requirements for child care facilities; and

(iii) the programs in place to support child care facilities.

(3) The Department shall examine the framework that governs the regulation of child care and child care facilities in different states and regions and how they compare to those in the State.

(4) For each regulation examined as part of its analysis, the Department shall determine whether the regulation results in or contributes to:

(i) a safer environment for children and child care facility employees;

(ii) a quality early childhood education; or

(iii) a significant impact on the opening or operation of child care facilities.

(d) (1) On or before January 1, 2026, the Department shall provide an interim report on the results of its analysis to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(2) On or before September 1, 2026, the Department shall issue a final report on the results of its analysis, including any recommended changes to the regulatory framework, to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

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