

# HOUSE BILL 1373

F5, O4

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By: **Delegate Martinez**

Introduced and read first time: February 13, 2026

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Department of Education – Independent Regulatory Framework for After**  
3 **School and Out of School Time Child Care Programs – Study**

4 FOR the purpose of requiring the State Department of Education to study and make  
5 recommendations on establishing an independent regulatory framework for after  
6 school and out of school time child care programs; and generally relating to a study  
7 on an independent regulatory and licensing framework for after school and out of  
8 school time child care programs.

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
10 That:

11 (a) (1) The State Department of Education shall study and make  
12 recommendations on a framework for the regulation of child care programs for children  
13 who are at least 5 years old that is distinct from the regulation of child care programs for  
14 children who are under the age of 5 years.

15 (2) The framework established by the Department will focus on the unique  
16 child care needs of after school and out of school time child care.

17 (b) In conducting the study required under subsection (a) of this section, the  
18 Department shall:

19 (1) investigate the regulatory barriers providers of after school and out of  
20 school time child care programs face by having to adhere to the same regulatory and  
21 licensing requirements adopted for full–day, early childhood child care centers;

22 (2) evaluate the unique needs of after school and out of school time child  
23 care programs and how they differ from those of traditional, early childhood child care  
24 centers, including:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the ability to use spaces for limited hours that are normally  
2 dedicated to other purposes, including schools, recreation centers, and churches;

3 (ii) the needs of the children served, including needs for physical  
4 activity, time to do homework, distinct social and emotional development, and  
5 transportation to novel locations;

6 (iii) the obligations of staff dedicated to overseeing programs for older  
7 children, including the type of experiential and educational experience required;

8 (iv) the different needs of parents of children who are at least 5 years  
9 old and how programs can best meet them; and

10 (v) the locations and populations of children who are eligible for  
11 after school or out of school time child care programs and are underserved by the current  
12 regulatory and licensing framework;

13 (3) identify and analyze regulations and licensing requirements in other  
14 states that are distinctly designed for after school and out of school time child care  
15 programs; and

16 (4) evaluate the administrative approach necessary to oversee the  
17 particular needs of after school and out of school time child care programs, including:

18 (i) whether programs should be licensed by or registered with the  
19 Department;

20 (ii) whether any adjustments need to be made to the approval,  
21 prohibited behavior, and appeals processes for child care providers to better suit these  
22 programs;

23 (iii) the feasibility of providing different licenses or differing sets of  
24 rules and regulations for different tiers of programs depending on the types of services  
25 provided;

26 (iv) changes needed within the Department to best structure the  
27 oversight of these programs, including the need to potentially hire new staff and alter the  
28 organization of the Department; and

29 (v) the time it would take to transition into a new administrative  
30 approach and the regulatory framework that should govern these programs during that  
31 interim.

32 (c) The recommendations required under subsection (a) of this section shall  
33 include specific recommendations on the following:

34 (1) staffing requirements;

- 1           (2)    facility requirements;
- 2           (3)    staff to child ratio requirements;
- 3           (4)    background check requirements;
- 4           (5)    training requirements;
- 5           (6)    emergency planning requirements;
- 6           (7)    facility and spacing requirements;
- 7           (8)    inspection requirements;
- 8           (9)    parental notice and approval requirements; and
- 9           (10)  health and safety requirements.

10           (d)    In conducting the study required under subsection (a) of this section the  
11 Department shall consult with stakeholders.

12           (e)    On or before December 1, 2026, the Department shall submit, in accordance  
13 with § 2-1257 of the State Government Article, a report of its findings and  
14 recommendations to the Senate Education, Energy, and the Environment Committee and  
15 the House Ways and Means Committee.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
17 1, 2026.