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**BILL:** HB 1403 – Family Child Care and Large Family Child Care Homes – Age of Children in Care – Alterations      **DATE:** March 6, 2024

**POSITION:** Information only      **COMMITTEE:** House Ways and Means Committee

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**EXPLANATION:**

The Maryland State Department of Education (MSDE) is providing information for consideration regarding House Bill (HB) 1403 - Family Child Care and Large Family Child Care Homes – Age of Children in Care – Alterations. This legislation amends the child capacity of family child care homes (COMAR 13A.15.04.03) which currently allows no more than two children under the age of two, or four children under the age of two (if an additional adult is present) in care at any given time. The legislation would allow eight children in care at any given time with four children under the age of 15 months. There is no restriction on the ages of the remaining four children enrolled. This would allow for up to eight children to be under the age of two years (with four children under 15 months and the remaining four children 15 to 24 months of age).

The child-to-staff ratio in small family child care homes should include both the caregiver's own children and any other children temporarily under supervision. This ratio is especially critical for infants and toddlers (birth to thirty-six months). Smaller group sizes and child-to-staff ratios contribute to improved infant and child development, enhancing caregiving quality. Research shows a correlation between better verbal interactions and lower child-to-staff ratios. Therefore, maintaining small ratios is crucial for the development of young children.

Currently, the child-to-staff ratio for infants and toddlers in child care centers is one staff for every three children under the age of two. In part, this is because the staff responsible for caring for the three children under the age of two are not responsible for the care of any other children. By contrast, in a family child care home where the capacity is eight children with two under age two, the provider cares for those two children under age two in addition to 6 other children.

It is important to note that the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) recently supplied family child care data for all 50 states regarding total capacity and infant capacity. No state allows up to 8 children under the age of two as this legislation would allow. As a result, HB 1403 could endanger Maryland's good standing with ACF.

In addition, ACF's technical assistance center, the National Center on Early Childhood Quality Assurance, recommends all states refer to the *Caring for Our Children: National Health and Safety Performance Standards Guidelines for Early Care and Education Programs* (CFOC) online tool. For small family child care homes, [CFOC recommends the following](#):

- When the small family child care home has no children under two years of age in care, then the caregiver may have one to six children over two years of age in care.
- When the small family child care home has one child under two years of age in care, then the caregiver may have one to three children over two years of age in care.

- When the small family child care home has two children under two years of age in care, then the caregiver may have no children over two years of age in care.
- The caregiver's own children as well as any other children temporarily in the home who require supervision should be included in that ratio.

Moreover, the National Fire Protection Association (NFPA) requires in the NFPA 101: Life Safety Code that small family child care homes serve no more than two clients incapable of self-preservation. Self-preservation is the act of keeping oneself safe or alive in a dangerous situation, often without thinking about what you are doing.

In addition to these health and safety concerns, one goal of the Blueprint for Maryland's Future is to ensure that all children are ready for school by having attended a high-quality early childhood and educational program. Family child care programs are currently better equipped to provide quality programming with the current child-to-staff ratios in place.

The Department respectfully requests that the Committee considers this information **HB 1403**. Please contact Dr. Akilah Alleyne, Executive Director of Government Affairs, Education Policy, and Government Relations, at [Akilah.alleyne@maryland.gov](mailto:Akilah.alleyne@maryland.gov) or at 410-767-0504, if you would like any additional information.