
TO: Education, Energy, and the Environment Committee

BILL: SB 868 - Substitute Child Care Provider Pool Pilot Program - Established

DATE: March 5, 2025

POSITION: Information

Chair Feldman and Members of the Education, Energy, and the Environment Committee:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding Senate Bill (SB) 868 - Substitute Child Care Provider Pool Pilot Program - Established. This legislation proposes that MSDE establish a substitute child care provider pool pilot program to facilitate the continuous operation of child care facilities by ensuring that qualified substitute child care providers are available to fill short-term staffing needs of child care facilities on a temporary basis. The bill also requires the agency to award a grant of \$350,000 to the nonprofit organization selected to administer the Program for fiscal years 2027 through 2030.

In order for a child care program to be operationally successful, the program must be adequately staffed to ensure staff/child ratios are maintained at all times. The primary staff associated with child care programs, often referred to as associated parties, consist of an operator (owner), a qualified director, and qualified child care teachers and aides, based on the ages and number of children served. For example, for a program to be approved to care for infants/toddlers, the director must meet infant/toddler qualifications, and at least one of the teachers assigned to the group of children must also meet these qualifications. It is also a mandate for all staff that have access to the children in care to receive criminal background checks along with child abuse and neglect clearances. Ultimately, the requirements for providing adequate care and supervision for the vulnerable early childhood population are vital in ensuring the health and safety of every child in care. However, the same requirements often make it difficult for programs to remain afloat when staffing issues persist at a time where there are reported shortages within the child care community.

To remedy staffing shortages within a child care program, specifically when a staff member is absent, the program can use a hired substitute (as needed) to maintain staff/child ratios and assist in the continuous operation of the program. Substitutes also have to be cleared for child care, meaning all background checks, along with child abuse and neglect clearances, are met. There are additional requirements as well, depending on the program type. For example, in regard to a child care center, a substitute child care teacher is required to be 18 years old or older, while a substitute aide is only required to be 16 years old. Nevertheless, all required documentation for substitutes must be maintained, and their usage must be logged to indicate the days on which they provided care, along with the staff member that the substitute replaced.

SB 868 intends to increase the availability of substitutes for child care programs by establishing a

substitute child care provider pool pilot program. MSDE's Licensing Branch wants to emphasize they support access to a large pool of substitute child care providers, which would minimize disruptions to child care due to teacher absences and staffing shortages, but there are programmatic concerns as to how the pilot pools will function effectively.

To start, the agency will need at least one full-time employee to oversee the grant application and selection process and then continue to monitor the grant. Additional staff would be essential as the grant and pilot program will require coordination across the entire state. This function of managing a grant across the state is typically divided into regions by multiple people.

Next, although there may be a vendor responsible for much of the work, MSDE's Licensing staff will be responsible for ensuring the individual (substitute) is completely connected to every program in their caseload. Licensing staff will also need to verify staff qualifications and background clearances. Until the full scope of this process and requirements is completed, the agency cannot fully estimate the other required needs for managing such a program and how much monitoring will be needed to do so, while maintaining the safety measures as cited in Code of Maryland Regulations (COMAR).

Altogether, the substitute pool could include almost four thousand family child care providers and two thousand child care centers as well as coordination with Criminal Justice Information Services (CJIS) for background authorizations, the Department of Human Services (DHS) for child abuse and neglect records, and the Office of Child Care. Additionally, this would require modifications to the Child Care Administrative Tracking System (CCATS) to support managing the data for all substitutes participating in the pool.

Lastly, according to the Maryland Department of Public Safety & Correctional Services (DPSCS), this bill cannot be successfully implemented without the Federal Bureau of Investigation's (FBI) approval of an amendment to state statute 92-544, allowing non-governmental third parties to receive national background checks for child care purposes.

We request that the committee consider this information as it deliberates **SB 868**. Please contact Dr. Akilah Alleyne, Executive Director of Government Affairs, at Akilah.alleyne@maryland.gov or at 410-767-0504, if you would like any additional information.