

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 597
Ways and Means

(Delegate Kelly)

Education, Health, and Environmental Affairs

Child Care Centers - Teacher Qualifications

This bill requires regulations adopted by the State Board of Education regarding the licensing and operation of child care centers to 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 age three. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: The Maryland State Department of Education (MSDE) can handle the bill's requirements using existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The probationary employment qualifications must allow an individual to be employed as a child care teacher during a probationary period if the individual (1) is enrolled in an approved pre-service training, successfully completes the required 90 hours of the approved pre-service training within six months after being hired, and holds an associate degree or a bachelor's degree in specified *related* fields or (2) is enrolled in an approved pre-service training, has successfully completed at least 45 hours of the training and successfully completes the remaining hours within six months of being hired, and holds an associate degree or bachelor's degree in *another* field. If, at the end of the probationary

period, an individual has not completed the required pre-service training, the child care center must, with no further cause, terminate the individual or reassign the individual to a nonteaching position.

Current Law: The State board must adopt rules and regulations for licensing and operating child care centers that meet specified requirements. Regulations also specify numerous requirements for employees of child care centers. Pursuant to regulation, an individual may qualify as a child care teacher by meeting one of a number of requirements regarding experience and/or education. For example, to qualify as a child care teacher in a preschool center, an individual must (1) be age 19 or older; (2) have a high school diploma, a certificate of high school equivalence, or courses for credit from an accredited college or university; (3) have successfully completed six semester hours or 90 hours or their equivalent of approved pre-service training, or hold a specified credential; (4) have completed specified trainings regarding health and safety and ADA compliance; (5) have completed specified training regarding communicating with staff, parents, and the public, or at least one academic college course for credit; and (6) have at least one year of experience working under supervision in a child care center or similar setting or as a registered family child care provider, or one year of college, or a combination of experience and college, as specified.

State Expenditures: MSDE advises that the Office of Child Care (OCC) needs to track the status of all child care staff that are allowed to begin employment and have six months to attain the appropriate training and that expenditures accordingly increase by approximately \$325,000 annually (\$268,000 in fiscal 2022) to account for hiring four additional licensing specialists. The Department of Legislative Services (DLS) disagrees and notes that the establishment of probationary employment qualifications does not necessarily increase overall workload, as it is assumed that the efforts associated with verifying employee qualifications will generally remain the same, only successful *completion* of pre-service training will be verified at a separate (later) time.

To the extent that the regulations adopted by MSDE include a more stringent monitoring process for probationary employees, general fund expenditures *may* increase to account for more frequent interactions between probationary employees and OCC licensing staff. However, any such impact will also depend on the number of probationary employees each year and the specific requirements in regulation. *For illustrative purposes only*, general fund expenditures increase by approximately \$80,000 for each licensing specialist that *may* be needed *if* regulations adopted by MSDE and the numbers of probationary employees each year support the need for additional staff. However, any impact of the regulations would specifically be accounted for in the fiscal analysis of the regulation prepared by DLS for the Joint Committee on Administrative, Executive, and Legislative Review.

Small Business Effect: Hiring practices at child care centers likely benefit from the ability to hire probationary employees who meet specified requirements.

Additional Information

Prior Introductions: HB 1386 of 2020, as amended, passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, SB 1018, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: SB 436 (Senator King) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 2, 2021
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