



AN ACT DIRECTING AN AMENDMENT TO ARM 27.95.623 TO REVISE THE CHILD-TO-STAFF RATIOS AND MAXIMUM GROUP SIZES FOR CHILD CARE CENTERS AND PROVIDE FOR A HIGHER CHILD-TO-STAFF RATIO DURING NAP TIMES PROVIDED CERTAIN CONDITIONS ARE MET.

WHEREAS, the proposed changes to the child-to-staff ratios and maximum group sizes for child care centers more closely align with the guidelines from the National Association for the Education of Young Children (NAEYC); and

WHEREAS, the proposed changes would benefit the child care industry in Montana by opening up more child care spots in communities across the state while still aligning with the STARS to Quality level 5 standards from the Department of Public Health and Human Services; and

WHEREAS, child care centers would see increased revenue, which would allow the child care providers to increase their employees' wages without increasing tuition rates for families; and

WHEREAS, at least 21 other states have adopted child care regulations that provide flexibilities during children's nap times, including Wyoming, Colorado, Mississippi, Texas, Alaska, and others; and

WHEREAS, the additional flexibilities at nap time would benefit the child care industry in Montana by allowing lead staff to meet, plan, and collaborate during nap time and would reduce payroll costs by eliminating the need to schedule lead staff planning time each week while those staff are not included in the ratio, all while supporting a safe nap environment with sufficient supervision; and

WHEREAS, the proposed changes would allow child care centers to increase access and affordability to child care for Montana families, help child care providers to attract and retain staff, and support quality improvement in child care programs, while still aligning with state and industry standards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. The department of public health and human services shall amend ARM 37.95.623 to read:

"37.95.623 CHILD CARE CENTERS: CHILD-TO-STAFF RATIOS

- (1) The child-to-staff ratio and maximum group size for a child care center are:
- (a) 4:1 for children newborn through ~~23~~ 11 months with a maximum group size of ~~12~~ 12;
- (b) 6:1 for children 12 months through 23 months with a maximum group size of 12;
- (c) 8:1 for children two years ~~through three years~~ with a maximum group size of 16;
- (~~e~~)(d) 10:1 for children ~~four years~~ three years through five years with a maximum group size of ~~24~~ 20;

and

(~~d~~)(e) ~~14:1 for five years and over~~ 20:1 for children six years and over with a maximum group size of ~~32~~ 40.

(2) When children of different ages are mixed, the ratio and group size for the youngest child in the group must be maintained.

(3) Only the director, early childhood lead teachers, assistant teachers, trainees, and substitute teachers may be counted as staff when determining the staff ratio.

(4) Group sizes must be maintained except for mealtimes, outdoor play, rest periods, or during large group activities, such as educational assemblies.

(5) At nap time, the child-to-staff ratio may be doubled for children two years and over when the following conditions are met:

- (a) at least half the children are sleeping;
- (b) another staff member is onsite in the center and is immediately available;
- (c) the maximum group size and room capacity are not exceeded; and
- (d) the staff member responsible for direct supervision of the napping children is not a trainee."

- END -

I hereby certify that the within bill,
HB 422, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 422

INTRODUCED BY T. FALK, S. GIST, L. SHELDON-GALLOWAY, T. BROCKMAN, G. KMETZ, D. EMRICH

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