

HOUSE BILL 1559

O4, F1, D5

0lr1450

By: **Delegate Queen**

Introduced and read first time: February 7, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Scholarship Program – Alterations**
3 **(Child Care for Working Families Act)**

4 FOR the purpose of altering the name of the Child Care Subsidy Program to be the Child
5 Care Scholarship Program; requiring the State Department of Education to
6 determine a child's eligibility to receive certain subsidized child care in accordance
7 with certain provisions of law; requiring the Department to consider certain factors
8 in determining eligibility; specifying certain eligibility requirements; authorizing the
9 Department to limit the amount of child care subsidies under certain circumstances;
10 requiring the Department to give priority to certain children under certain
11 circumstances; providing that a certain child shall remain eligible for subsidized
12 child care for a certain amount of time under certain circumstances; establishing
13 certain copayment requirements; altering certain definitions; providing for the
14 application of certain provisions of law; providing that certain provisions of law may
15 not be construed to create a certain right of action or entitlement; making conforming
16 changes; and generally relating to the Child Care Scholarship Program.

17 BY renumbering
18 Article – Education
19 Section 9.5–111 and 9.5–112, respectively
20 to be Section 9.5–903 and 9.5–904, respectively
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Education
25 Section 9.5–901
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Education

Section 9.5–902

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 9.5–903(a) and 9.5–904

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

(As enacted by Section 1 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9.5–111 and 9.5–112, respectively, of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 9.5–903 and 9.5–904, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

9.5–901.

(a) In this section, “Program” means the Child Care [Subsidy] **SCHOLARSHIP** Program.

(b) The Department shall administer the Program in accordance with federal law.

(c) An individual is eligible to continue to receive a subsidy under the Program:

(1) For at least 90 days in a year if the individual is unemployed and seeking employment; and

(2) If the individual meets any other eligibility criteria determined by the Department.

(d) The Department shall adopt regulations to implement the provisions of this section.

9.5–902.

(A) (1) THE DEPARTMENT SHALL DETERMINE A CHILD’S ELIGIBILITY TO RECEIVE SUBSIDIZED CHILD CARE IN ACCORDANCE WITH THIS SECTION.

(2) IN DETERMINING WHETHER A CHILD IS ELIGIBLE FOR SUBSIDIZED CHILD CARE, THE DEPARTMENT SHALL CONSIDER:

1 (I) THE ANNUAL INCOME OF THE CHILD'S FAMILY; AND

2 (II) THE SIZE OF THE CHILD'S FAMILY.

3 (B) TO BE ELIGIBLE FOR SUBSIDIZED CHILD CARE, A CHILD SHALL:

4 (1) (I) RESIDE WITH A PARENT WHO IS ENGAGED IN A QUALIFYING
5 ACTIVITY; OR

6 (II) BE A VULNERABLE CHILD;

7 (2) RESIDE IN THE STATE; AND

8 (3) (I) FROM JULY 1, 2021, THROUGH JUNE 30, 2025, RESIDE
9 WITH A PARENT WHOSE GROSS ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED
10 250% OF THE FEDERAL POVERTY LEVEL OR 85% OF THE STATE'S MEDIAN INCOME
11 BASED ON FAMILY SIZE, WHICHEVER IS LOWER;

12 (II) FROM JULY 1, 2025, THROUGH JUNE 30, 2026, RESIDE
13 WITH A PARENT WHOSE GROSS ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED
14 300% OF THE FEDERAL POVERTY LEVEL;

15 (III) FROM JULY 1, 2026, THROUGH JUNE 30, 2027, RESIDE
16 WITH A PARENT WHOSE GROSS ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED
17 350% OF THE FEDERAL POVERTY LEVEL;

18 (IV) FROM JULY 1, 2027, THROUGH JUNE 30, 2028, RESIDE
19 WITH A PARENT WHOSE GROSS ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED
20 400% OF THE FEDERAL POVERTY LEVEL; AND

21 (V) BEGINNING JULY 1, 2028, RESIDE IN THE STATE WITH A
22 PARENT REGARDLESS OF THE AMOUNT OF GROSS ANNUAL HOUSEHOLD INCOME.

23 (C) A CHILD WHOSE FAMILY HAS NO HOUSEHOLD INCOME SHALL BE
24 ELIGIBLE FOR SUBSIDIZED CHILD CARE AT THE LOWEST SUBSIDY RATE.

25 (D) THE DEPARTMENT MAY LIMIT THE AMOUNT OF CHILD CARE SUBSIDIES
26 BASED ON AVAILABLE RESOURCES OR FUNDING.

27 (E) IF THE DEPARTMENT IMPLEMENTS A WAITING LIST FOR SUBSIDIZED
28 CHILD CARE, THE DEPARTMENT SHALL GIVE PRIORITY TO:

(1) CHILDREN IN FAMILIES WITH VERY LOW INCOMES;

(2) CHILDREN IN FAMILIES WHOSE TOTAL ASSISTANCE DOES NOT EXCEED \$1,000,000; AND

(3) VULNERABLE CHILDREN.

(F) A CHILD WHO IS DETERMINED TO BE ELIGIBLE FOR SUBSIDIZED CHILD CARE SHALL REMAIN ELIGIBLE FOR THE FOLLOWING 12 MONTHS, REGARDLESS OF:

(1) A CHANGE IN GROSS ANNUAL HOUSEHOLD INCOME, PROVIDED THE NEW GROSS ANNUAL HOUSEHOLD INCOME DOES NOT EXCEED 150% OF THE MAXIMUM ALLOWABLE FEDERAL POVERTY LEVEL;

(2) A TEMPORARY CHANGE IN THE STATUS OF THE PARENT OR PARENTS OF THE CHILD;

(3) WHETHER THE CHILD REMAINS UNDER THE AGE OF 13 YEARS OR, IF THE CHILD HAS DOCUMENTED SPECIAL NEEDS, UNDER THE AGE OF 19 YEARS; OR

(4) A CHANGE IN RESIDENCY WITHIN THE STATE.

(G) (1) THE COPAYMENT REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO:

(I) AN INDIVIDUAL WHO IS EXEMPT FROM COPAYMENT REQUIREMENTS UNDER COMAR 13A.14.06.12A; OR

(II) A FAMILY WITH A GROSS HOUSEHOLD INCOME OF LESS THAN 100% OF THE FEDERAL POVERTY GUIDELINES FOR A FAMILY RECEIVING SUBSIDIZED CHILD CARE.

(2) BEGINNING JULY 1, 2024, A FAMILY WHOSE GROSS HOUSEHOLD INCOME EXCEEDS 100% OF THE FEDERAL POVERTY GUIDELINES FOR A FAMILY RECEIVING SUBSIDIZED CHILD CARE SHALL BE REQUIRED TO PAY A COPAYMENT IN ACCORDANCE WITH THE FOLLOWING LIMITS:

(I) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS MORE THAN 100% BUT LESS THAN 133% OF THE FEDERAL POVERTY GUIDELINES, THE MAXIMUM COPAYMENT SHALL BE 1% OF GROSS HOUSEHOLD INCOME;

(II) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT LEAST 133% BUT LESS THAN 167% OF THE FEDERAL POVERTY GUIDELINES, THE

1 **MAXIMUM COPAYMENT SHALL BE 2% OF GROSS HOUSEHOLD INCOME;**

2 **(III) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
3 **LEAST 167% BUT LESS THAN 200% OF THE FEDERAL POVERTY GUIDELINES, THE**
4 **MAXIMUM COPAYMENT SHALL BE 3% OF GROSS HOUSEHOLD INCOME;**

5 **(IV) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
6 **LEAST 200% BUT LESS THAN 233% OF THE FEDERAL POVERTY GUIDELINES, THE**
7 **MAXIMUM COPAYMENT SHALL BE 4% OF GROSS HOUSEHOLD INCOME; AND**

8 **(V) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
9 **LEAST 233% BUT LESS THAN 250% OF THE FEDERAL POVERTY GUIDELINES, THE**
10 **MAXIMUM COPAYMENT SHALL BE 5% OF GROSS HOUSEHOLD INCOME.**

11 **(3) BEGINNING JULY 1, 2025, IN ADDITION TO THE COPAYMENTS**
12 **REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION:**

13 **(I) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
14 **LEAST 250% BUT LESS THAN 267% OF THE FEDERAL POVERTY GUIDELINES, THE**
15 **MAXIMUM COPAYMENT SHALL BE 5% OF GROSS HOUSEHOLD INCOME;**

16 **(II) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
17 **LEAST 267% BUT LESS THAN 300% OF THE FEDERAL POVERTY GUIDELINES, THE**
18 **MAXIMUM COPAYMENT SHALL BE 6% OF GROSS HOUSEHOLD INCOME.**

19 **(4) BEGINNING JULY 1, 2026, IN ADDITION TO THE COPAYMENTS**
20 **REQUIRED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION:**

21 **(I) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
22 **LEAST 300% BUT LESS THAN 333% OF THE FEDERAL POVERTY GUIDELINES, THE**
23 **MAXIMUM COPAYMENT SHALL BE 7% OF GROSS HOUSEHOLD INCOME; AND**

24 **(II) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
25 **LEAST 333% BUT LESS THAN 350% OF THE FEDERAL POVERTY GUIDELINES, THE**
26 **MAXIMUM COPAYMENT SHALL BE 8% OF GROSS HOUSEHOLD INCOME.**

27 **(5) BEGINNING JULY 1, 2027, IN ADDITION TO THE COPAYMENTS**
28 **REQUIRED UNDER PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION:**

29 **(I) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT**
30 **LEAST 350% BUT LESS THAN 367% OF THE FEDERAL POVERTY GUIDELINES, THE**
31 **MAXIMUM COPAYMENT SHALL BE 8% OF GROSS HOUSEHOLD INCOME; AND**

(II) FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT LEAST 367% BUT LESS THAN 400% OF THE FEDERAL POVERTY GUIDELINES, THE MAXIMUM COPAYMENT SHALL BE 9% OF GROSS HOUSEHOLD INCOME.

(6) BEGINNING JULY 1, 2028, IN ADDITION TO THE COPAYMENTS REQUIRED UNDER PARAGRAPHS (2), (3), (4), AND (5) OF THIS SUBSECTION, FOR A FAMILY WHOSE GROSS HOUSEHOLD INCOME IS AT LEAST 400% OF THE FEDERAL POVERTY GUIDELINES, THE MAXIMUM COPAYMENT SHALL BE 10% OF GROSS HOUSEHOLD INCOME.

(H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO CREATE A PRIVATE RIGHT OF ACTION OR ENTITLEMENT TO SUBSIDIZED CHILD CARE.

9.5–903.

(a) (1) In this section the following words have the meanings indicated.

(2) “Analysis” means the market rate survey or an alternative method allowable under federal law.

(3) “Program” means the Child Care [Subsidy] SCHOLARSHIP Program.

9.5–904.

Beginning October 1, 2016, the Department shall submit to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2–1257 of the State Government Article, the monthly reports received by the Department regarding Child Care [Subsidy] SCHOLARSHIP Program expenditures and participation.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.