

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5256

By Delegate Crouse

[Introduced January 29, 2024; Referred to the
Committee on Senior, Children, and Family Issues
then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section
 2 designated §49-2-102a, relating to child care staffing ratios at child care facilities for child
 3 care providers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-102a. Child Care Staffing Ratios.

1 (a) Notwithstanding other provisions of state law, the West Virginia Division of Early Care &
 2 Education may not impose or enforce staff-to-child minimum ratios for any age group or
 3 combination of ages more restrictive than six children for every staff member or volunteer if any of
 4 the children are 24 months or younger, eight children for every staff member or volunteer if any of
 5 the children are 35 months or younger, 14 children for every staff member or volunteer if all of the
 6 children are 36 months or older and 20 children for every staff member and volunteer if all of the
 7 children are school-age.

8 (b) Group size limits. Notwithstanding other provisions of state law, the West Virginia
 9 Division of Early Care & Education may not impose or enforce group size limits or caps for any age
 10 group or combination of ages for a childcare facility or home-based child care that is otherwise
 11 compliant with minimum staff-to-child ratios.

12 (c) Educational requirements met when actively enrolled. Notwithstanding other provisions
 13 of state law and regulations, to the extent staff members in child care facilities and home-based
 14 child care must meet minimum educational requirements, the West Virginia Division of Early Care
 15 & Education shall consider individuals enrolled and working toward the applicable requirements as
 16 having met the minimum requirement for as long as they are actively enrolled and consider such
 17 individuals as having met such requirements in calculating any applicable staff-to-child ratios.

18 (d) The requirements of this Act shall take effect January 1, 2025.

NOTE: The purpose of this bill is to set maximum standards for child care ratios at child

care centers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.