

SENATE BILL 793

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2000 Regular Session
0lr2854
CF 0lr2540

By: ~~Senators Kasemeyer and Hoffman, Hoffman, Currie, Hogan, McFadden,~~
Middleton, Stone, Ruben, and Van Hollen

Introduced and read first time: February 11, 2000
Assigned to: Rules
Re-referred to: Budget and Taxation, February 18, 2000

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 5, 2000

CHAPTER _____

1 AN ACT concerning

2 **Judith P. Hoyer Early Child Care and Education ~~Centers and Education~~**
3 **Enhancement ~~Grant~~ Program**

4 FOR the purpose of establishing the Judith P. Hoyer Early Child Care and Education
5 ~~Centers and Education~~ Enhancement ~~Grant~~ Program ~~for the development of~~
6 ~~collaborative approaches to delivery of full-day early care and education and~~
7 ~~family support services; providing that the Program shall be funded as provided~~
8 ~~in the State budget; providing that funds that are allocated to the Program in~~
9 ~~the State budget may be used for certain purposes; authorizing the Maryland~~
10 ~~State Department of Education to distribute grants to county boards of~~
11 ~~education for certain purposes under certain circumstances; authorizing the~~
12 ~~Department to distribute grants to certain private entities for certain purposes~~
13 ~~under certain circumstances; establishing application procedures for the grants;~~
14 ~~authorizing the Department to distribute funds to a county board of education~~
15 ~~for the purpose of implementing a certain early childhood assessment system;~~
16 ~~establishing certain procedures and requirements relating to administration~~
17 ~~and evaluation of the Program; requiring that certain funds be appropriated for~~
18 ~~certain purposes in a certain fiscal year; providing that in a certain fiscal year a~~
19 ~~certain special fund may be used for a certain purpose; defining certain terms;~~
20 ~~designating the Department of Education as the agency supervising the grant;~~
21 ~~requiring the Department to distribute the grant funds under the program~~
22 ~~created by this Act to local school systems on a competitive basis; limiting local~~
23 ~~school system use of funds to certain purposes; requiring the Department to~~
24 ~~select an evaluator through a competitive process to measure the effectiveness of~~
25 ~~the collaborations; requiring the Department to submit certain reports;~~
26 ~~prohibiting awards under this Act from supplanting other funding; and~~

1 generally relating to the Judith P. Hoyer Early Child Care and Education
2 ~~Centers and Education~~ Enhancement ~~Grant~~ Program.

3 BY adding to
4 Article - Education
5 Section 5-213
6 Annotated Code of Maryland
7 (1999 Replacement Volume)

8 Preamble

9 WHEREAS, Recent brain research confirms that the most rapid brain growth
10 occurs in the first three years of life; and

11 WHEREAS, A stimulating environment is essential to brain development and
12 has a major impact on a child's language and cognitive and emotional development;
13 and

14 WHEREAS, The overwhelming evidence suggests that it is best to capitalize on
15 the brain's elasticity before age 5, the age at which public education is guaranteed;
16 and

17 WHEREAS, High quality early care and education programs make a significant
18 contribution to the development of skills required by young children to succeed in
19 school; and

20 WHEREAS, Not all Maryland children have access to quality early care and
21 education programs; and

22 WHEREAS, There is an imperative need to improve access to quality early care
23 and education programs through collaborative partnerships; and

24 WHEREAS, Judith P. Hoyer dedicated her life to the education and care of
25 young children and their families; now, therefore,

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article - Education**

29 5-213.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (2) "ACCREDITATION" MEANS THE DETERMINATION THAT A PROGRAM
33 MEETS QUALITY STANDARDS DEFINED BY THE ACCREDITING AGENCY BEYOND
34 STATE CHILD CARE REGULATIONS.

1 (3) "ACCREDITING AGENCY" MEANS A ~~NATIONAL OR~~ STATE AGENCY OR
 2 NATIONAL ORGANIZATION THAT HAS DEVELOPED A RECOGNIZED ACCREDITING
 3 PROCESS.

4 (4) "CREDENTIALING" MEANS THE PROCESS ~~IN~~ THROUGH WHICH AN
 5 INDIVIDUAL IS AWARDED A PROFESSIONAL CERTIFICATE BASED ON EDUCATION
 6 AND EXPERIENCE.

7 (5) "EARLY CHILD CARE AND EDUCATION ENHANCEMENT GRANT"
 8 MEANS A GRANT THAT IS DISTRIBUTED UNDER SUBSECTION (E) OF THIS SECTION.

9 ~~(5)~~ (6) "FULL DAY" MEANS A PERIOD OF TIME DURING THE DAY THAT:

10 (I) MEETS THE NEEDS OF ~~WORKING~~ FAMILIES; AND

11 (II) IS NOT LESS THAN 7 HOURS OR MORE THAN 12 HOURS PER DAY.

12 (7) "JUDY CENTER" MEANS A SITE WHERE COMPREHENSIVE EARLY
 13 CHILD CARE AND EDUCATION SERVICES ARE PROVIDED TO YOUNG CHILDREN AND
 14 THEIR FAMILIES FOR THE PURPOSE OF PROMOTING SCHOOL READINESS THROUGH
 15 COLLABORATION WITH PARTICIPATING AGENCIES AND PROGRAMS.

16 (8) "JUDY CENTER GRANT" MEANS A GRANT THAT IS DISTRIBUTED
 17 UNDER SUBSECTION (D) OF THIS SECTION.

18 (9) "LOCAL MANAGEMENT BOARD" MEANS A LOCAL MANAGEMENT
 19 BOARD ESTABLISHED UNDER ARTICLE 49D, § 11 OF THE CODE.

20 ~~(6)~~ (10) "PARTICIPATING AGENCIES AND PROGRAMS" INCLUDES:

21 (I) PUBLIC PREKINDERGARTEN AND KINDERGARTEN PROGRAMS;

22 (II) HEAD START PROGRAMS;

23 (III) FAMILY LITERACY PROGRAMS AND SERVICES;

24 (IV) LOCAL INFANTS AND TODDLERS PROGRAMS;

25 (V) CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES;

26 (VI) FAMILY SUPPORT CENTERS;

27 (VII) HEALTHY FAMILY SITES;

28 (VIII) PARENT INVOLVEMENT PROGRAMS;

29 (IX) EARLY CHILDHOOD PROGRAMS AFFILIATED WITH
 30 INSTITUTIONS OF HIGHER EDUCATION; AND

31 (X) OTHER HOME VISITING, COMMUNITY HEALTH, FAMILY
 32 SUPPORT SERVICES, AND CHILD CARE RESOURCE AND REFERRAL AGENCIES.

1 (11) "PROGRAM" MEANS THE JUDITH P. HOYER EARLY CHILD CARE AND
2 EDUCATION ENHANCEMENT PROGRAM ESTABLISHED UNDER THIS SECTION.

3 (B) (1) ~~THE THERE IS A~~ JUDITH P. HOYER EARLY CHILD CARE AND
4 ~~EDUCATION CENTERS AND EDUCATION ENHANCEMENT GRANT PROGRAM IS~~
5 ~~ESTABLISHED PROGRAM IN THE DEPARTMENT.~~

6 (2) THE PURPOSE OF THE PROGRAM IS TO PROMOTE SCHOOL
7 READINESS THROUGH THE SUPPORT OF THE DEVELOPMENT AND EXPANSION OF
8 COLLABORATIVE APPROACHES TO THE DELIVERY OF HIGH QUALITY,
9 COMPREHENSIVE, FULL-DAY EARLY CHILD CARE AND EDUCATION PROGRAMS AND
10 FAMILY SUPPORT SERVICES.

11 (C) ~~THE GRANT FUNDS SHALL BE ADMINISTERED BY THE DEPARTMENT AND~~
12 ~~USED TO SUPPORT AND EXPAND COLLABORATIVE APPROACHES TO EARLY CHILD~~
13 ~~CARE AND EDUCATION AND FAMILY SUPPORT SERVICES THROUGH COORDINATION~~
14 ~~WITH PARTICIPATING PROGRAMS AND AGENCIES.~~

15 (D) ~~A LOCAL SCHOOL SYSTEM MAY APPLY FOR A GRANT UNDER THIS~~
16 ~~SECTION.~~

17 (E) ~~EACH APPLICATION FOR THE GRANT SHALL INCLUDE:~~

18 (1) ~~A MEMORANDUM OF AGREEMENT BETWEEN THE LOCAL SCHOOL~~
19 ~~SYSTEM, AS REQUIRED TO BE ESTABLISHED UNDER ARTICLE 49D, § 11 OF THE CODE,~~
20 ~~AND THE PARTICIPATING AGENCIES AND PROGRAMS THAT INCLUDES:~~

21 (I) ~~THE TERMS OF THE COLLABORATION TO BE UNDERTAKEN BY~~
22 ~~THE LOCAL SCHOOL SYSTEM AND THE PARTICIPATING AGENCIES AND PROGRAMS;~~

23 (II) ~~THE ROLES AND RESPONSIBILITIES OF THE LOCAL SCHOOL~~
24 ~~SYSTEM AND THE PARTICIPATING AGENCIES AND PROGRAMS; AND~~

25 (III) ~~A PLAN FOR ESTABLISHING ONGOING COMMUNICATION~~
26 ~~BETWEEN NONPUBLIC SERVICE PROVIDERS AND PUBLIC SCHOOL EARLY~~
27 ~~EDUCATION PROGRAMS;~~

28 (2) ~~DOCUMENTATION THAT THE DEPARTMENT'S EARLY CHILDHOOD~~
29 ~~ASSESSMENT SYSTEM WILL BE USED TO DETERMINE:~~

30 (I) ~~MEASURABLE OUTCOMES TO BE ACHIEVED BY THE~~
31 ~~COLLABORATION; AND~~

32 (II) ~~PROCEDURES FOR MEASURING ANNUAL PERFORMANCE;~~

33 (3) ~~DOCUMENTATION THAT EARLY CHILD CARE AND EDUCATION~~
34 ~~PROGRAMS:~~

35 (I) ~~MEET VOLUNTARY STATE ACCREDITATION BASED ON~~
36 ~~NATIONALLY RECOGNIZED CRITERIA; OR~~

1 (H) ~~HAVE INITIATED THE PROCESS OF VOLUNTARY STATE~~
2 ~~ACCREDITATION BY DECEMBER 1, 2000; AND~~

3 (4) ~~DOCUMENTATION THAT THE COLLABORATION WILL PROVIDE~~
4 ~~COMPREHENSIVE, FULL DAY EARLY CHILD CARE AND EDUCATION, AND FAMILY~~
5 ~~SUPPORT SERVICES.~~

6 (F) ~~THE DEPARTMENT SHALL:~~

7 (1) ~~ESTABLISH APPLICATION PROCEDURES FOR THE GRANT;~~

8 (2) ~~SUBJECT TO ANNUAL APPROPRIATIONS AND THE AVAILABILITY OF~~
9 ~~FUNDS IN THE ANNUAL BUDGET, AWARD 3 YEAR FUNDING TO LOCAL SCHOOL~~
10 ~~SYSTEMS ON A COMPETITIVE BASIS;~~

11 (3) ~~SUPERVISE AND MONITOR THE GRANT FUNDS; AND~~

12 (4) ~~VERIFY THAT GRANT RECIPIENTS ARE MEETING ANNUAL~~
13 ~~BENCHMARKS.~~

14 (G) ~~LOCAL SCHOOL SYSTEMS SELECTED TO RECEIVE GRANTS UNDER THIS~~
15 ~~SECTION SHALL:~~

16 (1) ~~PROVIDE COMPREHENSIVE, FULL DAY EARLY CARE AND~~
17 ~~EDUCATION AND FAMILY SUPPORT SERVICES IN COLLABORATION WITH THE~~
18 ~~PARTICIPATING AGENCIES AND PROGRAMS;~~

19 (2) ~~ADMINISTER THE GRANT AWARD ON BEHALF OF THE~~
20 ~~PARTICIPATING AGENCIES AND PROGRAMS IN THE COLLABORATION;~~

21 (3) ~~SUBMIT FISCAL AND PROGRAM REPORTS AS REQUIRED BY THE~~
22 ~~DEPARTMENT; AND~~

23 (4) ~~COORDINATE THE INVOLVEMENT OF ALL PARTICIPATING AGENCIES~~
24 ~~AND PROGRAMS IN THE EVALUATION PROCESS CONDUCTED BY THE DEPARTMENT.~~

25 (H) ~~GRANTS AWARDED TO LOCAL SCHOOL SYSTEMS UNDER THIS SECTION~~
26 ~~SHALL BE LIMITED TO THE SUPPORT OF ACTIVITIES THAT CREATE OR ENHANCE THE~~
27 ~~COLLABORATIVE DELIVERY OF SERVICES THROUGH PARTICIPATING AGENCIES AND~~
28 ~~PROGRAMS INCLUDING:~~

29 (1) ~~ASSISTING EARLY CARE AND EDUCATION PROGRAMS TO MEET~~
30 ~~VOLUNTARY STATE ACCREDITATION STANDARDS;~~

31 (2) ~~PROFESSIONAL DEVELOPMENT ACTIVITIES LEADING TO INCREASED~~
32 ~~COMPETENCY AND APPROPRIATE CREDENTIALING RELATED TO EARLY CARE AND~~
33 ~~EDUCATION SERVICES;~~

34 (3) ~~MATERIALS AND SUPPLIES;~~

1 (4) ~~THE PURCHASE OF AND CONTRACTING FOR EARLY CARE AND~~
2 ~~EDUCATION AND FAMILY SUPPORT SERVICES; AND~~

3 (5) ~~PERSONNEL TO COORDINATE THE COLLABORATION.~~

4 (C) (1) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE
5 BUDGET.

6 (2) FUNDS THAT ARE ALLOCATED TO THE PROGRAM IN THE STATE
7 BUDGET MAY BE USED:

8 (I) TO COVER THE COSTS INCURRED BY THE DEPARTMENT IN
9 IMPLEMENTING AND ADMINISTERING THE PROGRAM;

10 (II) FOR JUDY CENTER GRANTS, AS PROVIDED UNDER SUBSECTION
11 (D) OF THIS SECTION;

12 (III) FOR EARLY CHILD CARE AND EDUCATION ENHANCEMENT
13 GRANTS, AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION; AND

14 (IV) TO FUND THE STATEWIDE IMPLEMENTATION OF THE
15 DEPARTMENT'S EARLY CHILDHOOD ASSESSMENT SYSTEM, AS PROVIDED UNDER
16 SUBSECTION (F) OF THIS SECTION.

17 (D) THE DEPARTMENT MAY DISTRIBUTE A JUDY CENTER GRANT TO A COUNTY
18 BOARD IF THE COUNTY BOARD SUBMITS AN APPLICATION TO THE DEPARTMENT
19 THAT INCLUDES:

20 (1) A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY
21 BOARD, THE PARTICIPATING AGENCIES AND PROGRAMS, AND, IN THE DISCRETION
22 OF THE COUNTY BOARD, THE LOCAL MANAGEMENT BOARD THAT INCLUDES:

23 (I) THE TERMS OF THE COLLABORATION TO BE UNDERTAKEN BY
24 THE COUNTY BOARD, THE PARTICIPATING AGENCIES AND PROGRAMS, AND, IF
25 APPLICABLE, THE LOCAL MANAGEMENT BOARD, INCLUDING THE ROLES AND
26 RESPONSIBILITIES OF EACH OF THESE ENTITIES; AND

27 (II) A PLAN FOR ESTABLISHING ONGOING COMMUNICATION
28 BETWEEN PRIVATE SERVICE PROVIDERS AND PUBLIC SCHOOL EARLY EDUCATION
29 PROGRAMS; AND

30 (2) DOCUMENTATION THAT SHOWS THAT:

31 (I) THE DEPARTMENT'S EARLY CHILDHOOD ASSESSMENT SYSTEM
32 WILL BE IMPLEMENTED AT THE CENTER;

33 (II) ALL PARTICIPATING AGENCIES AND PROGRAMS THAT PROVIDE
34 EARLY CHILD CARE AND EDUCATION SERVICES THROUGH THE CENTER HAVE
35 VOLUNTARILY OBTAINED ACCREDITATION OR, BY THE DATE OF THE GRANT

1 APPLICATION, HAVE VOLUNTARILY INITIATED AND ARE ACTIVELY PURSUING THE
2 PROCESS OF OBTAINING ACCREDITATION; AND

3 (III) THE CENTER WILL PROVIDE COMPREHENSIVE, FULL-DAY
4 EARLY CHILD CARE AND EDUCATION SERVICES AND FAMILY SUPPORT SERVICES.

5 (E) (1) THE DEPARTMENT MAY DISTRIBUTE AN EARLY CHILD CARE AND
6 EDUCATION ENHANCEMENT GRANT TO A COUNTY BOARD TO BE USED TO PURCHASE
7 EARLY CHILD CARE AND EDUCATION SERVICES AND FAMILY SUPPORT SERVICES
8 FROM PROVIDERS THAT HAVE VOLUNTARILY OBTAINED ACCREDITATION OR HAVE
9 VOLUNTARILY INITIATED AND ARE ACTIVELY PURSUING ACCREDITATION.

10 (2) THE DEPARTMENT MAY DISTRIBUTE AN EARLY CHILD CARE AND
11 EDUCATION ENHANCEMENT GRANT TO A PRIVATE PROVIDER OF EARLY CHILD CARE
12 AND EDUCATION SERVICES TO BE USED:

13 (I) TO ASSIST THE PROVIDER IN VOLUNTARILY OBTAINING
14 ACCREDITATION; OR

15 (II) FOR PROFESSIONAL DEVELOPMENT ACTIVITIES LEADING TO
16 INCREASED COMPETENCY AND APPROPRIATE CREDENTIALING THAT IS RELATED TO
17 EARLY CHILD CARE AND EDUCATION SERVICES.

18 (F) THE DEPARTMENT MAY DISTRIBUTE FUNDS TO A COUNTY BOARD FOR
19 THE PURPOSE OF IMPLEMENTING THE DEPARTMENT'S EARLY CHILDHOOD
20 ASSESSMENT SYSTEM IN THE COUNTY'S PUBLIC SCHOOLS.

21 (G) (1) THE DEPARTMENT SHALL:

22 (I) ESTABLISH APPLICATION PROCEDURES FOR OBTAINING JUDY
23 CENTER GRANTS AND EARLY CHILD CARE AND EDUCATION ENHANCEMENT GRANTS
24 AS PROVIDED UNDER THIS SECTION;

25 (II) SUPERVISE AND MONITOR THE USE OF GRANT FUNDS
26 DISTRIBUTED UNDER THIS SECTION; AND

27 (III) EVALUATE WHETHER GRANT RECIPIENTS ARE MEETING
28 ANNUAL BENCHMARKS ESTABLISHED BY THE DEPARTMENT.

29 (2) FOR JUDY CENTER GRANTS, THE DEPARTMENT MAY AWARD
30 MULTIYEAR FUNDING.

31 (H) A COUNTY BOARD THAT IS SELECTED TO RECEIVE A JUDY CENTER GRANT
32 OR AN EARLY CHILD CARE AND EDUCATION ENHANCEMENT GRANT FOR THE
33 PURPOSE OF PURCHASING EARLY CHILD CARE AND EDUCATION SERVICES SHALL:

34 (1) ADMINISTER THE GRANT AWARD;

35 (2) SUBMIT FISCAL AND PROGRAM REPORTS AS REQUIRED BY THE
36 DEPARTMENT; AND

1 (3) COORDINATE THE INVOLVEMENT OF PARTICIPATING AGENCIES AND
 2 PROGRAMS IN ANY EVALUATION PROCESS CONDUCTED BY THE DEPARTMENT.

3 (I) GRANTS AWARDED UNDER THIS SECTION MAY NOT BE USED:

4 (1) TO SUPPLANT EXISTING FUNDING FOR ANY SERVICES PROVIDED BY
 5 PARTICIPATING PROGRAM OR SERVICE AGENCIES AND PROGRAMS; OR

6 (2) FOR CAPITAL IMPROVEMENTS.

7 (J) THE DEPARTMENT SHALL SELECT THROUGH A COMPETITIVE BIDDING
 8 PROCESS AND SUPERVISE AN EVALUATOR WHO SHALL DESIGN AND IMPLEMENT AN
 9 EVALUATION PROCESS TO MEASURE THE EFFECTIVENESS OF ~~THE~~
 10 COLLABORATIONS;

11 (1) THE JUDY CENTERS; AND

12 (2) EARLY CHILD CARE AND EDUCATION SERVICES AND FAMILY
 13 SUPPORT SERVICES THAT ARE PURCHASED WITH FUNDS FROM EARLY CHILD CARE
 14 AND EDUCATION ENHANCEMENT GRANTS.

15 (K) THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR AND, SUBJECT TO §
 16 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

17 (1) ON OR BEFORE JANUARY 1 OF EACH YEAR, A REPORT ~~DESCRIBING~~
 18 ~~THE PROGRESS AND THE EXPENDITURES OF THE FUND ON THE IMPLEMENTATION~~
 19 OF THE PROGRAM, INCLUDING A DESCRIPTION OF THE PROGRAM'S EXPENDITURES;
 20 AND

21 (2) ON OR BEFORE JANUARY 1, 2004, A SEPARATE REPORT ~~EVALUATING~~
 22 THAT INCLUDES AN EVALUATION, BASED ON OBJECTIVE PERFORMANCE CRITERIA
 23 ESTABLISHED BY THE DEPARTMENT, OF THE EFFECTIVENESS OF ~~THE~~
 24 COLLABORATIVE APPROACHES BASED ON THE EVALUATION CRITERIA;

25 (I) THE JUDY CENTERS; AND

26 (II) EARLY CHILD CARE AND EDUCATION SERVICES AND FAMILY
 27 SUPPORT SERVICES THAT ARE PURCHASED WITH FUNDS FROM EARLY CHILD CARE
 28 AND EDUCATION ENHANCEMENT GRANTS.

29 (L) THE DEPARTMENT ~~SHALL MAY~~ ADOPT REGULATIONS TO ADMINISTER THE
 30 ~~GRANT PROGRAM AND TO REQUIRE THAT ALL EXISTING EARLY ELEMENTARY~~
 31 ~~EDUCATION PROGRAMS BE NAMED JUDITH P. HOYER EARLY EDUCATION PROGRAMS~~
 32 AS NECESSARY TO IMPLEMENT THE PROGRAM.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall
 34 include ~~\$8 million in the fiscal year 2001 budget of the Department of Education to~~
 35 ~~fund the grant program established by this Act~~ the following appropriations in the
 36 fiscal year 2001 budget of the Maryland State Department of Education to fund the
 37 Judith P. Hoyer Early Child Care and Education Enhancement Program established

1 under this Act: (1) \$4,000,000 for Judy Center Grants; (2) \$1,000,000 for Early Child
2 Care and Education Enhancement Grants to be awarded to providers of early child
3 care and education services who have voluntarily obtained accreditation or have
4 voluntarily initiated and are actively pursuing accreditation; (3) \$1,300,000 for
5 statewide implementation of the Department's early childhood assessment system;
6 and (4) \$700,000 to cover the costs incurred by the Department in implementing the
7 Program.

8 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding §
9 7-317(d) and (g) of the State Finance and Procurement Article, in fiscal year 2001, the
10 Cigarette Restitution Fund established under § 7-317 of the State Finance and
11 Procurement Article may be used to fund implementation of the Judith P. Hoyer Early
12 Child Care and Education Enhancement Program established under this Act. In fiscal
13 year 2001, the Governor may transfer funds by budget amendment from the
14 Cigarette Restitution Fund to the Maryland State Department of Education for the
15 purpose of funding the Judith P. Hoyer Early Child Care and Education
16 Enhancement Program in the amounts specified under Section 2 of this Act.

17 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect July 1, 2000.