

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 1441

(Delegate Atterbeary, *et al.*)

Ways and Means and Appropriations

Education, Energy, and the Environment and
 Budget and Taxation

Early Childhood Education - Publicly Funded Prekindergarten Programs -
 Alterations

This bill makes numerous changes related to publicly funded prekindergarten programs, including adjusting staff credentials, altering slot allocations for private providers, requiring agreements between local boards and relevant agencies, authorizing applications for State funding for leased space, introducing support initiatives, establishing a career ladder for private prekindergarten providers, establishing provider hubs, and extending funding timelines for grant programs. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$1.0 million in FY 2025 to implement the career ladder for private prekindergarten providers. Special fund expenditures increase by \$5.7 million in FY 2026, which reflects the mandated appropriation for the Child Care Credential Program. Special fund expenditures are not directly affected by the extension of the Prekindergarten Expansion Grant program, but the extension causes indeterminate secondary effects on State education aid (not shown in the table, but discussed below). **This bill establishes and extends mandated appropriations for FY 2026 through 2029.**

(\$ in millions)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1.0	0	0	0	0
SF Expenditure	0	5.7	0	0	0
Net Effect	(\$1.0)	(\$5.7)	\$0.0	\$0.0	\$0.0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The impact of allowing a local school system to apply for State school construction funding for leased space is likely minimal. Potential significant impact on State funding and local effort requirements due to the extension of the Prekindergarten Expansion Grant, as explained below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Bill Summary: In general, the bill (1) alters the credentials required for staff for specified prekindergarten providers, including those who receive Prekindergarten Expansion Grants; (2) establishes a career ladder for private prekindergarten providers; (3) changes the proportion of prekindergarten slots to be provided by eligible private providers, including removing Tier I children from the calculation; (4) expands the requirements for existing agreements among local boards of education, the Maryland State Department of Education (MSDE), eligible private providers, and other relevant agencies, and requires MSDE to develop a model memorandum of understanding (MOU) for those agreements; (5) authorizes a local board of education to apply for State funding for leased space for a prekindergarten program; (6) establishes programs to aid eligible prekindergarten providers in meeting requirements, including professional development opportunities and technical support; (7) establishes prekindergarten provider hubs; and (8) extends funding mandates for several prekindergarten grant programs.

Staff Qualification for Public Prekindergarten Providers

The bill establishes that the requirement that all specified prekindergarten providers have high staff qualifications (described under Current Law) for teachers and teaching assistants by the 2027-2028 school year applies only to *public* providers.

Beginning on July 1, 2024, high staff qualifications for public provider teaching assistants includes documented experience of actively serving as a teaching assistant in a publicly funded prekindergarten classroom for a minimum of 5 years for 20 hours per week and 180 days per year.

Beginning in the 2025-2026 school year, high staff qualifications for eligible private provider educators means meeting the requirements of the early childhood educator career ladder established by the bill.

Early Childhood Educator Career Ladder for Private Providers

By July 1, 2025, MSDE must establish an early childhood educator career ladder for eligible private providers. The early childhood educator career ladder is for teachers and assistant teachers employed by eligible private providers. The purpose of the early childhood educator career ladder is to (1) transform early childhood education teaching into a high-status profession in the State; (2) attract high-performing students to pursue the high-status early childhood education teaching profession; and (3) retain high-quality early childhood education teachers who gain additional responsibility, authority, status, and compensation as they gain additional expertise.

The early childhood educator career ladder must (1) adequately compensate early childhood educators for their work; (2) provide early childhood educators with the opportunity to identify and work with prekindergarten teachers and teaching assistants; (3) provide early childhood educators the opportunity to develop their skills and knowledge by participating in job-embedded professional development; and (4) compensate early childhood educators at greater rates as they advance to the next level of the career ladder.

The levels of the career ladder are:

- level one is an early childhood teaching assistant;
- level two is a prekindergarten lead teacher; and
- level three is an early childhood consulting teacher.

Early Childhood Teaching Assistant: In order to qualify as an early childhood teaching assistant, an educator must have a high school diploma and, by July 1, 2027, earn and maintain a Child Development Associate (CDA) with preschool designation or hold an associate degree in early childhood education or child development. Alternatively, on July 1, 2024, an individual must have documented experience of actively providing services in early childhood education for a minimum of 15 years for at least 20 hours per week and 180 days per year.

Prekindergarten Lead Teacher: In order to qualify as a prekindergarten lead teacher, an educator must hold at least a bachelor's degree, as specified, from a U.S. or foreign institution. Alternatively, on July 1, 2024, an individual must have documented experience of actively providing services in early childhood education for a minimum of 10 years for at least 20 hours per week and 180 days per year.

Individuals who hold a bachelor's degree in a field unrelated to early childhood education, child development or a related field or who qualify via the experience pathway must also achieve a minimum score on the Classroom Assessment Scoring System (CLASS) assessment as set by MSDE. By July 1, 2030, a prekindergarten lead teacher who qualifies

through the experience pathway must earn an associate degree in early childhood education. Teachers from level three of the career ladder must mentor and provide professional support to a prekindergarten lead teacher seeking an associate degree to ensure that the teacher earns a degree within the required amount of time.

In order to maintain status as a prekindergarten lead teacher, each year a lead teacher must complete at least 20 working hours of professional learning and development.

Early Childhood Consulting Teacher: In order to qualify as an early childhood consulting teacher, an educator must (1) be a prekindergarten lead teacher in good standing; (2) beginning in the 2027-2028 school year, hold early childhood education certification or be pursuing certification; (3) be able to lead other early childhood educators in an effective and disciplined way to improve the curriculum and instruction of prekindergarten students; (4) demonstrate the skills and knowledge to mentor early childhood assistant teachers and new prekindergarten lead teachers, including by helping them to meet the educational and certification qualifications necessary to qualify for and maintain status on the career ladder; and (5) supervise and support prekindergarten lead teachers, if practicable through prekindergarten provider hubs, in one or more sites in order to improve developmentally appropriate instructional practices for prekindergarten students.

Proportion of Slots Provided by Private Providers

The bill changes the phased-in requirement for local boards of education to ensure that a certain proportion of eligible prekindergarten slots in each county are provided by private providers. This requirement initially mandated a minimum of 30% private provider slots in 2022-2023, increasing by 5 percentage points annually until reaching 50% by the 2026-2027 school year. Under the bill, beginning in 2024-2025 school year, at least 10% of the slots must be provided by eligible private providers, increasing by 10 percentage points annually until reaching 50% by the 2028-2029 school year.

MSDE must issue a waiver from the requirements, if the local board of education meets the current waiver requirements and the local board of education demonstrates to MSDE that it has made a good faith effort to fully embrace the mixed delivery system, including adopting an MOU as specified.

The bill extends by two years the deadline by which MSDE may exclude certain children from the prekindergarten calculation to determine the proportion public and private prekindergarten slots through an annual waiver. Specifically, MSDE may exclude Tier I children who are three years old from the calculation until the 2031-2032 school year, rather than the previously set 2029-2030 school year. Additionally, MSDE may exclude Tier I children who are four years old from the calculation until the 2028-2029 school year, instead of the 2026-2027 school year.

Model Memorandum of Understanding

MSDE must develop a model MOU for use by local boards of education in fulfilling existing requirements. In addition to current MOU requirements, the model MOU must include (1) the adoption of an early childhood educator career ladder by eligible private providers; (2) a method for the local board to distribute a list of eligible public and private providers in the same area with a parent interested in enrolling a child in a prekindergarten program; and (3) facilitation of peer-to-peer eligible prekindergarten provider meetings, through a prekindergarten provider hub if one is established in the area, in which eligible prekindergarten providers are able to share best practices in the field.

Funding for Prekindergarten through the State's Capital Improvement Program

A local board of education may apply for funding from the *Capital Improvement Program* (CIP) for assistance on renovations to public facilities leased as eligible public prekindergarten programs. The management of public facilities leased under this provision must be the responsibility of the building owner and not the local board.

Provider Aid Program

MSDE must establish a program to aid eligible prekindergarten providers in meeting the requirements of the publicly funded prekindergarten programs.

The program must give eligible private providers information about training for teachers and teaching assistants, help them meet the criteria for childcare support programs, and support them in implementing early childhood curriculum standards. To the extent practicable, MSDE must provide programmatic support through prekindergarten provider hubs.

MSDE also must also publish a list of eligible private providers in each local school system available on its website and share it with local economic development offices, small business support centers, local management and workforce development boards, and offices supporting minority and women-owned businesses. These entities must assist private prekindergarten providers within their areas in enrolling in business support services and adopting a business plan to meet the requirements of publicly funded prekindergarten programs. To the extent practicable, specified organizations must work with prekindergarten provider hubs to provide support.

MSDE must also inform the public about publicly funded prekindergarten programs.

Prekindergarten Provider Hubs

MSDE must create Prekindergarten Provider Hubs in centralized and diverse locations across the State to integrate as many individuals as possible into the State's mixed prekindergarten delivery system. These hubs must form partnerships among early childhood educators on the career ladder, licensed child care centers, registered family or large family child care homes, and any other entities deemed beneficial by MSDE for incorporating eligible children into the mixed delivery system. The hubs must coordinate support among entities serving children and families to maximize the placement of eligible children in prekindergarten slots.

Child Care Career and Professional Development Fund

In addition to current requirements, to qualify for funding from the Child Care Career and Professional Development Fund an individual must commit to work in an approved child care setting for at least 20 hours per week for a period of time determined by the Office of Child Care within MSDE after completing the course of study. Awards must be prioritized to the following applicants: (1) an applicant who has not completed any college courses from an accredited college or university; and (2) an applicant who attends or has been accepted by an accredited college or university that offers native language or bilingual coursework in early childhood education or a related field. Award recipients who do not complete the service requirement must repay MSDE, but MSDE may waive the repayment under specified circumstances.

Prekindergarten Expansion Grant Eligibility

In addition to current requirements, in order to receive a Prekindergarten Expansion Grant, a teacher and teacher's aide in a classroom receiving this funding (excluding Montessori schools or programs) must each meet high staff qualifications (as discussed in Current Law and amended by the bill).

Mandated Funding

The bill extends mandated funding for the Maryland Child Care Credential Program beyond fiscal 2024 by requiring the Governor to appropriate an amount in fiscal 2026 that is at least equal to the amount appropriated in fiscal 2024.

Finally, the bill also extends the fiscal year by which funds appropriated to the Prekindergarten Expansion Grant Program must be consolidated into the publicly funded full-day prekindergarten program by four fiscal years, from fiscal 2026 to 2030. To that end, the Governor must, through fiscal 2029, annually appropriate to the fund an amount

that is at least equal to the total amount of all funds received by the Expansion Grant Program in the prior fiscal year.

Current Law:

Blueprint for Maryland's Future

The Blueprint for Maryland's Future (Blueprint) legislation (including Chapter 771 of 2019, Chapters 36 and 55 of 2021, and Chapter 33 of 2022) established new programs, updated education funding formulas, and, among other provisions, included mechanisms for holding units of State and local government accountable for implementing the Blueprint.

State and local government units responsible for implementing an element of the Blueprint must develop implementation plans consistent with a specified Comprehensive Implementation Plan that describe the goals, objectives, and strategies that will be used to improve student achievement and meet the Blueprint recommendations for each segment of the student population.

High Staff Qualifications

All eligible prekindergarten providers must include structural elements that are evidence-based and nationally recognized as important for ensuring program quality, including, beginning in the 2027-2028 school year, high staff qualifications. This includes teachers who, at a minimum hold (1) State certification for teaching in early childhood education or (2) a bachelor's degree in any field and are pursuing residency through the Maryland Approved Alternative Preparation Program, which includes early childhood coursework, clinical practice, and evidence of pedagogical content knowledge.

Memorandum of Understanding

Each local board of education must enter into a MOU with MSDE, each eligible private provider participating in publicly funded prekindergarten in the county, and other applicable government agencies. Before executing an MOU, each local board must submit an implementation plan of the proposed MOU to the Accountability and Implementation Board. Each MOU must meet specified requirements. An MOU must seek to avoid, to the extent practicable, a disproportionate concentration of students of the same race, ethnicity, disability status, and income within an eligible provider.

Prekindergarten Expansion Grants Program and Publicly Funded Prekindergarten

The Prekindergarten Expansion Grant Program, administered by MSDE, is intended to broaden the availability of high-quality prekindergarten and school readiness services throughout the State for children and their families in coordination with the expansion of publicly funded full-day prekindergarten under the Blueprint. Before approving qualified providers for prekindergarten services to receive a grant under this section, a qualified provider must certify to MSDE that for each classroom funded by Prekindergarten Expansion Grants the provider will meet specified conditions. The Governor must annually, through fiscal 2025, appropriate to the Prekindergarten Expansion Fund an amount that is at least equal to the total amount of all funds received by the program in the prior fiscal year. Beginning in fiscal 2026, funds appropriated to the Prekindergarten Expansion Fund must be consolidated into the publicly funded full-day prekindergarten program.

A local department of social services or a local health department must notify a parent or guardian that their child may be eligible for publicly funded prekindergarten programs if the parent or guardian (1) applied for economic services with the local department of social services or the local health department and (2) has a child who will be 3 or 4 years old by September 1 of the next academic year. By December 1 of each year, each local department of social services and each local health department must report to the General Assembly on the number of parents who were given a notification and subsequently enrolled their child in a publicly funded prekindergarten program.

With regard to prekindergarten, a Tier I child is a child who is three or four years old whose family income is less than or equal to 300% of the federal poverty level or who is a homeless youth and whose family chooses to enroll the child in full-day prekindergarten.

The fiscal 2025 budget as introduced includes \$26.6 million for the Prekindergarten Expansion Grants and \$132.6 million for the Full-day Prekindergarten funding formula, which is \$159.2 million in total.

Public School Construction Program Funding Related to Leased Facilities

Leasing is among the expenditures that are generally *ineligible* for State funding under the Public School Construction Program. A policy of the Interagency Commission on School Construction (IAC) does, however, enable the allocation of State bond proceeds to capital-improvement projects in leased facilities that are not owned by a local school system. The policy makes capital-improvement projects in non-local education agency (LEA)-owned leased facilities eligible for IAC allocation of State bond proceeds if specified criteria are satisfied. These criteria include a minimum 25-year lease duration.

LEAs may apply for funding from CIP or a Pass-through Grant, established in Chapter 344 of 2022, for capital improvements to facilities leased by the school system or other entity for a public school purpose. While these funds may be used solely for eligible school capital improvement expenses authorized under the program from which funding is being requested, eligible capital improvement expenses do not include operating expenses, including but not limited to, lease or rent payments, utilities, taxes, fees, maintenance, moveable furniture and equipment with a median useful life of less than 15 years, insurance, salaries, or wages.

Maryland Child Care Credential Program

For the Maryland Child Care Credential Program, an individual may apply to the OCC for a staff credential, including a CDA credential, or an administrator credential. If a person pursues, obtains, or already holds an OCC-approved credential, the OCC may award to the individual an achievement bonus, a training reimbursement, or a training voucher.

The Governor must appropriate \$4.0 million for the program for fiscal 2021. For each of fiscal 2022 through 2024, funding for the program must increase by 10% over the prior fiscal year.

Consistent with the expiration of the funding mandate for the program, the fiscal 2025 budget as introduced does not include funding for the Child Care Credential Program.

Child Care Career and Professional Development Fund

The Child Care Career and Professional Development Fund within MSDE may award funding to an individual who has:

- obtained at least a level two in the Maryland Child Care Credential Program;
- documented at least one year of experience working with groups of children in an approved setting; and
- been accepted by an accredited college or university for enrollment in at least one course for credit toward a degree in early childhood education or related field.

An award may only be:

- applied toward the cost of (1) tuition and fees or (2) textbooks required by a course in which the awardee is enrolled; and
- used by the awardee for the actual expense of college coursework incurred subsequent to an award to the completion of (1) a college degree in early childhood

education or a related field or (2) developmental coursework required to meet prerequisites for a degree program in early childhood education or a related field.

Statute does not include a mandated appropriation for the fund, and the fiscal 2025 budget as introduced does not include funding for the program.

Maintenance of Effort and Local Share

Each year, the county government (including Baltimore City) is required to appropriate funds to the local board of education equivalent to the greater of the maintenance of effort (MOE) requirement or the local share amount of all wealth-equalized formulas. The per-pupil MOE amount is based upon the greater of (1) the prior year full-time equivalent (FTE) enrollment and (2) the three-year moving average of FTE enrollment. (There is a certain adjustment for fiscal 2024 MOE for specified counties.) The local share amount equals the local share of the foundation formula, compensatory education, English language learner, special education, comparable wage index (CWI), full-day prekindergarten, college and career ready, transitional supplemental instruction (through fiscal 2026), and career ladder grant programs. Also, counties that benefit from the compensatory education State funding floor are required to fund the local share of the concentration of poverty grant programs. However, for some counties, the combined local share across these several programs is subject to adjustments described below.

Education Effort Adjustment to Local Share Requirement

Local governments are required to fund the local share of the foundation program and the required local shares for several existing and new funding formula programs. The law also includes a mechanism for establishing a maximum local share that a county must fund each year. This involves “local education effort,” which is determined for each county by dividing the county’s local share of major education aid by the county’s wealth. An “education effort index,” which is the local education effort divided by the “State average education effort,” is then determined. A “maximum local share” is calculated for each county, which is the county’s local wealth multiplied by the State average education effort.

Each county with an education effort above 1.0 for two consecutive years receives relief based upon its “education effort adjustment,” which is the amount by which the calculated local share exceeds the maximum local share. This relief (which results in increases to State aid) is provided to counties within one of three tiers, based on whether the education effort is (1) greater than 1.0 but less than 1.15; (2) at least 1.15 but less than 1.27; or (3) at least 1.27. State relief for the first tier is phased up from 15% of the education effort adjustment in fiscal 2023 to 50% by fiscal 2030. State relief for the second tier is phased up from 20% of the education effort adjustment in fiscal 2023 to 100% by fiscal 2030. State relief for the third tier is 100% beginning in fiscal 2023. However, the education

effort adjustment for a county is only allowed to the degree that per-pupil MOE is met each year.

Additional Reductions to Local Share

A county may be eligible for a reduction in the required local share of major aid formulas in three additional ways: (1) if a county receives State funds from the Guaranteed Tax Base (GTB) program, the local share may be reduced by the amount of GTB funds, except that for Baltimore City only the amount above \$10.0 million may be reduced from the local share; (2) if a county receives State funds to support the minimum funding floors of 15% for the foundation and 40% for the targeted programs; and (3) if a county has a CWI of at least 0.13, the local share of CWI may be reduced by 50%. However, in all of these cases, the local share may not be reduced below the required per-pupil MOE amount.

Guaranteed Tax Base

The GTB program is intended to encourage less wealthy jurisdictions to maintain or increase local education tax effort (*i.e.*, local education appropriation as a percent of local tax base). The program provides additional State education aid to counties that have less than 80% of the statewide average wealth per pupil and provide local education funding above the minimum local share required by the foundation program. The program uses local education tax effort and wealth to determine State aid amounts for each eligible school system.

State Expenditures: MSDE advises that to implement the bill, the Division of Early Learning must develop a career ladder and update the credentialing system for alignment, which requires the support of a vendor. MSDE estimates costs of up to \$500,000. Further, MSDE advises that the career ladder implementation requires MSDE to rapidly increase the number of staff who are reliable in the CLASS assessment tool in order to have enough staff who can observe experienced teachers. MSDE estimates training costs of up to \$500,000 in work for an existing vendor. As the bill requires MSDE to establish the career ladder by July 1, 2025, general fund expenditures increase by up to \$1.0 million in fiscal 2025. MSDE advises that the remaining changes, including development of the model MOU and the prekindergarten hubs can be implemented with existing resources.

As shown in **Exhibit 1**, special fund expenditures increase by \$5.7 million in fiscal 2026 for the Child Care Credential Program Grant, due to the requirement for the Governor to provide at least equal to the amount appropriated in fiscal 2024 (which was \$5.7 million); this analysis does not assume any discretionary funding for the program in fiscal 2025 as none was provided in the fiscal 2025 budget as passed by the General Assembly. Fiscal 2026 expenditures are from the Blueprint for Maryland's Future Fund (BMFF) as these formulas are funded through the fund.

The Prekindergarten Expansion Grant is extended by four years to fiscal 2029, which is assumed to be offset by equivalent reductions in State funding under the full-day prekindergarten funding program. Current law requires the Prekindergarten Expansion Grant to be funded at a level that is at least as much as the prior fiscal year. Thus, it is assumed that the Prekindergarten Expansion Grant is funded at \$26.6 million in each of fiscal 2027 to 2029, and thus State funding under the full-day prekindergarten program is reduced by the same amounts in these years.

Unlike the prekindergarten expansion grant program, the full-day prekindergarten program entails a local share component. Reduced State funding of the full-day prekindergarten program under the bill will result in reduced local share of major education aid, which in turn will (1) reduce State funding under the education effort adjustment, beginning in fiscal 2026, (2) alter required local effort beginning as early as fiscal 2026, and (3) likely alter State funding and associated local share relief under GTB, as soon as fiscal 2027. These impacts may be significant, but they cannot be reliably estimated.

Exhibit 1
Special Fund and General Fund Expenditures Increases Due to Funding Formulas
Fiscal 2026-2029

	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
Child Care Credential Program	\$5,687	0	0	0
Prekindergarten Expansion Grant	0	26,644	26,644	26,644
Full-day Prekindergarten Funding Formula	0	(26,644)	(26,644)	(26,644)
Special and General Fund Effect	\$5,687	\$0	\$0	\$0

Note: Fiscal 2026 expenditures are special fund expenditures from the Blueprint for Maryland’s Fund, expenditures in fiscal 2028 and beyond are from the general fund due to the Blueprint funds being exhausted. Further, State funding and associated local share relief under the Guaranteed Tax Based may be impacted as soon as fiscal 2027; however, any such impact cannot be reliably estimated and is not shown in this exhibit.

Source: Department of Legislative Services

Local Expenditures: State funding of, and local effort on behalf of, public schools will be altered by the offset of full-day prekindergarten State funding assumed to occur as a result of extending State funding for the Prekindergarten Expansion Grant program through fiscal 2029. While these impacts may be significant, they cannot be reliably estimated.

The overall fiscal effect of authorizing a local board of education to apply for funding from the CIP for assistance on renovations to public facilities leased as eligible public prekindergarten programs is likely minimal. IAC advises that the bill's authorization is not consistent with its current policy related to leased facilities, which may negatively affect access to CIP funding for leased prekindergarten facilities.

AACPS needs 23 additional classrooms to meet the Tier 1 enrollment requirements. Playgrounds need to be installed at these sites, if they have not been already, to meet EXCELS requirements. ACCPS estimates those costs to be \$11.3 million in fiscal 2025 and \$6.2 million annually thereafter; however, ACCPS would have costs for space for prekindergarten regardless of the bill. The bill simply allows local school systems to meet the need by leasing space rather than building the space.

Local school systems can otherwise carry out increased notification requirements with existing resources. They also have more time and/or flexibility to meet targets for providing preschool slots by private providers.

Small Business Effect: Private prekindergarten providers (including child care centers) many of which are small business, may receive additional funding due to extending the grant programs. Further, other provisions of the bill, including establishing the career ladder for educators at private prekindergarten providers, likely affect private providers.

Additional Comments: Currently, MSDE covers the full cost of the CDA through a partnership with the Council for Professional Recognition, allowing assistant teachers to obtain the credential in less than one year at no cost. However, due to high demand, MSDE has faced limitations in accepting more candidates for the program.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland State Department of Education; Anne Arundel County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Department of Legislative Services

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