

SENATE BILL 153

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2002 Regular Session  
2lr1132  
CF 2lr1105

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By: **Senators Mitchell, Bromwell, Conway, Currie, Frosh, Hoffman, Hughes,  
McFadden, Pinsky, Sfikas, and Teitelbaum**

Introduced and read first time: January 14, 2002

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Full-Day Kindergarten and Half-Day Pre-Kindergarten**  
3 **Programs - Establishment**

4 FOR the purpose of requiring county boards of education to establish full-day  
5 kindergarten programs by a certain school year; requiring the Maryland State  
6 Board of Education to adopt certain regulations; repealing a certain exemption  
7 for kindergarten programs from certain requirements for minimum days or  
8 hours of operation; altering a certain definition; requiring the Governor to  
9 include certain funds for pre-kindergarten programs in the State budget for  
10 certain fiscal years under certain circumstances; providing for the termination  
11 of a certain provision of this Act; and generally relating to kindergarten and  
12 pre-kindergarten programs in the State.

13 BY repealing and reenacting, with amendments,  
14 Article - Education  
15 Section 5-202(a)(7) and 7-101  
16 Annotated Code of Maryland  
17 (2001 Replacement Volume)

18 BY repealing  
19 Article - Education  
20 Section 7-301(g)  
21 Annotated Code of Maryland  
22 (2001 Replacement Volume)

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

25 **Article - Education**

26 5-202.

27 (a) (7) "Full-time equivalent enrollment" means:

1 (i) All students enrolled in [grades 1] KINDERGARTEN through  
2 GRADE 12 or their equivalent in regular day school programs on September 30 of the  
3 previous school year; AND

4 (ii) [One half of the number of students enrolled in kindergarten  
5 programs on September 30 of the previous school year, except that in Garrett County  
6 the full number of kindergarten students is included; and

7 (iii)] The number of full-time equivalent students, as determined by  
8 a regulation of the Department, enrolled in evening high school programs during the  
9 previous school year.

10 7-101.

11 (a) All individuals who are 5 years old or older and under 21 shall be admitted  
12 free of charge to the public schools of this State.

13 (b) (1) Except as provided in § 7-301 of this title and in paragraph (2) of this  
14 subsection, each child shall attend a public school in the county where the child is  
15 domiciled with the child's parent or guardian.

16 (2) Upon request and in accordance with a county board's policies  
17 concerning residency, a county superintendent may allow a child to attend school in  
18 the county even if the child is not domiciled in that county with the child's parent or  
19 guardian.

20 (3) If a child fraudulently attends a public school in a county where the  
21 child is not domiciled with the child's parent or guardian, the child's parent or  
22 guardian shall be subject to a penalty payable to the county for the pro rata share of  
23 tuition for the time the child fraudulently attends a public school in the county.

24 (4) Nothing in this section alters the requirements for out-of-county  
25 placements contained in § 4-122 and Title 8, Subtitles 3 and 4 of this article or in any  
26 other State or federal law.

27 (c) [There shall be full kindergarten programs in each county of this State]

28 (1) BY THE 2007-2008 SCHOOL YEAR, EACH COUNTY BOARD SHALL  
29 ESTABLISH FULL-DAY KINDERGARTEN PROGRAMS IN THAT COUNTY.

30 (2) THE STATE BOARD SHALL ADOPT REGULATIONS TO PHASE IN THE  
31 IMPLEMENTATION OF THIS SUBSECTION BY THE 2007-2008 SCHOOL YEAR.

32 7-301.

33 [(g) Kindergarten programs are not subject to the requirements of § 7-103(a) of  
34 this title relating to minimum days or hours of operation.]

35 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) For fiscal years 2004 through 2008, the Governor shall include an  
2 additional \$5 million in the State budget for the establishment of half-day  
3 pre-kindergarten programs in each local public school system in the State for  
4 4-year-old children who are potentially at risk of failing in school, with the overall  
5 goal of providing learning experiences to help such children develop and maintain the  
6 basic skills necessary for successful school performance. The local school systems may  
7 contract with a private provider for the operation of the half-day pre-kindergarten  
8 programs, provided that the programs comply in all respects with the laws and  
9 regulations governing early childhood and extended elementary education programs.

10 (b) This section shall remain effective until June 30, 2008, and, at the end of  
11 June 30, 2008, with no further action required by the General Assembly, this section  
12 shall be abrogated and of no further force and effect.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect July 1, 2002.