

HOUSE BILL 1241

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2lr0426

By: **Delegates Rosenberg, Huckler, Ivey, Kaiser, Luedtke, Myers, Ross, and Walker**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Preschool for All – Establishment**

3 FOR the purpose of establishing certain funding for prekindergarten students by
4 altering a certain definition to include prekindergarten students in the number
5 of students enrolled; altering a certain funding calculation to phase in a
6 reduction of certain funding; altering a certain definition to make certain
7 children eligible for prekindergarten; requiring certain prekindergarten
8 programs to be established by a certain school year; authorizing county boards
9 to use qualified vendors to provide prekindergarten programs; requiring the
10 State Department of Education to establish provider rates for qualified vendors;
11 requiring the Department to provide a certain list to each local school system;
12 requiring the Department to evaluate qualified vendors using certain criteria at
13 least every 3 years; authorizing the Department to evaluate qualified vendors
14 more frequently and to revoke certification under certain circumstances;
15 requiring the Department to adopt certain regulations; requiring the
16 Department to develop a certain media campaign; authorizing the Department
17 to adopt regulations; naming the Preschool for All program; requiring each
18 prekindergarten program under the jurisdiction of a county board to be open
19 during a certain number of hours over a certain number of months for certain
20 students; defining certain terms; authorizing certain funds to be used to provide
21 funding for certain purposes; establishing a certain funding calculation for a
22 certain year; providing for the application of this Act; and generally relating to
23 education funding and access for prekindergarten.

24 BY repealing and reenacting, without amendments,
25 Article – Education
26 Section 5–202(a)(1) and (5), 5–207(a)(1), and 7–103(a)
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – Education
 3 Section 5–202(a)(6), 5–207(a)(4), 7–101.1, and 7–103(f)
 4 Annotated Code of Maryland
 5 (2008 Replacement Volume and 2011 Supplement)

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

8 **Article – Education**

9 5–202.

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

11 (5) “Foundation program” means the product of the annual per pupil
 12 foundation amount and a county’s full–time equivalent enrollment.

13 (6) “Full–time equivalent enrollment” means the sum of:

14 (i) The number of students enrolled in grades 1 through 12 or
 15 their equivalent in regular day school programs on September 30 of the [previous]
 16 **PRIOR** school year;

17 (ii) [Except as provided in item (iii) of this paragraph, the] **THE**
 18 [product of the] number of students enrolled in kindergarten programs on September
 19 30 of the prior school year [and:

20 1. 0.60 in fiscal year 2004;

21 2. 0.70 in fiscal year 2005;

22 3. 0.80 in fiscal year 2006;

23 4. 0.90 in fiscal year 2007; and

24 5. 1.00 in fiscal year 2008 and each fiscal year
 25 thereafter];

26 (iii) [In Garrett County, the number of students enrolled in
 27 kindergarten programs on September 30 of the prior school year; and

28 (iv)] **1. THE NUMBER OF STUDENTS WHOSE FAMILY**
 29 **INCOME WOULD MAKE THE CHILD, IF THE CHILD WERE IN KINDERGARTEN,**
 30 **ELIGIBLE FOR FREE OR REDUCED PRICE MEALS AS DEFINED IN § 5–207(A) OF**

1 THIS SUBTITLE ENROLLED IN PREKINDERGARTEN PROGRAMS ON SEPTEMBER
2 30 OF THE PRIOR SCHOOL YEAR MULTIPLIED BY 1.0; AND

3 2. THE NUMBER OF STUDENTS WHOSE FAMILY
4 INCOME WOULD NOT MAKE THE CHILD, IF THE CHILD WERE IN KINDERGARTEN,
5 ELIGIBLE FOR FREE OR REDUCED PRICE MEALS AS DEFINED IN § 5-207(A) OF
6 THIS SUBTITLE ENROLLED IN PREKINDERGARTEN PROGRAMS ON SEPTEMBER
7 30 OF THE PRIOR SCHOOL YEAR MULTIPLIED BY 0.50; AND

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

11 5-207.

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

13 (4) “Compensatory education per pupil amount” means [97%] A
14 PERCENT of the annual per pupil foundation amount calculated under § 5-202 of this
15 subtitle multiplied by the State share of compensatory education funding AS
16 FOLLOWS:

17 (I) 97% IN FISCAL YEARS 2012 AND 2013;

18 (II) 96% IN FISCAL YEAR 2014;

19 (III) 95% IN FISCAL YEAR 2015;

20 (IV) 94% IN FISCAL YEAR 2016; AND

21 (V) 93% IN FISCAL YEAR 2017 AND EACH FISCAL YEAR
22 THEREAFTER.

23 7-101.1.

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

25 (2) [“Economically disadvantaged background” means a family whose
26 income would make a child eligible for free or reduced price meals if the child were in
27 kindergarten.

28 (3)] “Eligible child” means a child:

29 (i) [Who is from an economically disadvantaged background;

1 (ii) Whose parent or guardian seeks to enroll the child in a
2 public prekindergarten program; and

3 [(iii)](ii) Who is 4 years old on September 1 of the school year
4 in which the parent or legal guardian seeks to enroll the child in a public
5 prekindergarten program.

6 [(4) “Eligible for free or reduced price meals” means eligible for free or
7 reduced price meals based on eligibility requirements established by the United States
8 Department of Agriculture.]

9 (3) “QUALIFIED VENDOR” MEANS A STATE-ACCREDITED OR
10 NATIONALLY ACCREDITED CHILD CARE CENTER OR A NONPUBLIC SCHOOL
11 APPROVED BY THE DEPARTMENT TO PROVIDE PREKINDERGARTEN SERVICES.

12 (b) (1) By the [2007–2008] 2015–2016 school year, all eligible children
13 shall be admitted free of charge to publicly funded prekindergarten programs
14 established by each of the county boards.

15 (2) (I) COUNTY BOARDS MAY USE QUALIFIED VENDORS TO
16 PROVIDE PREKINDERGARTEN PROGRAMS.

17 (II) THE DEPARTMENT SHALL ESTABLISH PROVIDER RATES
18 FOR QUALIFIED VENDORS.

19 (c) The requirements set forth in § 7–101(b) of this subtitle regarding the
20 domicile of a child and the residency of the child’s parent or guardian shall apply to
21 prekindergarten programs established by county boards as required by this section.

22 (d) In the comprehensive master plan that is submitted under § 5–401 of this
23 article, a county board shall identify the strategies that will be used in that county to
24 ensure that publicly funded prekindergarten programs are available to all eligible
25 children in that county by the [2007–2008] 2015–2016 school year.

26 (E) (1) THE DEPARTMENT SHALL PROVIDE TO EACH LOCAL SCHOOL
27 SYSTEM ANNUALLY A LIST OF QUALIFIED VENDORS.

28 (2) THE DEPARTMENT SHALL EVALUATE QUALIFIED VENDORS
29 FOR RECERTIFICATION EVERY 3 YEARS TO ENSURE THE VENDOR PROVIDES
30 SERVICES THAT COMPLY WITH ASSESSMENT STANDARDS ESTABLISHED BY THE
31 DEPARTMENT.

32 (3) THE DEPARTMENT MAY EVALUATE QUALIFIED VENDORS
33 MORE FREQUENTLY TO ENSURE COMPLIANCE WITH ASSESSMENT STANDARDS.

1 **(4) THE DEPARTMENT MAY REVOKE CERTIFICATION ON A**
2 **FINDING OF NONCOMPLIANCE WITH ASSESSMENT STANDARDS.**

3 **(F) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING**
4 **ASSESSMENT STANDARDS WHICH SHALL INCLUDE A REQUIREMENT THAT**
5 **STAFFING FOR EACH CLASSROOM INCLUDES AN EARLY CHILDHOOD TEACHER**
6 **WHO POSSESSES A VALID STATE CERTIFICATE IN EARLY CHILDHOOD**
7 **EDUCATION.**

8 **(G) (1) THE DEPARTMENT SHALL DEVELOP A MEDIA CAMPAIGN TO**
9 **ADVERTISE THE AVAILABILITY OF PREKINDERGARTEN TO ALL 4-YEAR-OLD**
10 **STUDENTS IN THE STATE.**

11 **(2) THE MEDIA CAMPAIGN MAY INCLUDE TELEVISION, RADIO,**
12 **AND WRITTEN MATERIALS.**

13 **(3) THE DEPARTMENT SHALL COLLABORATE WITH LOCAL**
14 **SCHOOL SYSTEMS TO DEVELOP THE MEDIA CAMPAIGN.**

15 **(H) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO**
16 **CARRY OUT THE PROVISIONS OF THIS SECTION.**

17 **(I) THE PREKINDERGARTEN PROGRAM ESTABLISHED UNDER THIS**
18 **SECTION SHALL BE REFERRED TO AS “PRESCHOOL FOR ALL”.**

19 7-103.

20 (a) Except as provided in subsections (b), (e), and (f) of this section, each
21 public school under the jurisdiction of a county board:

22 (1) (i) Shall be open for pupil attendance for at least 180 actual
23 school days and a minimum of 1,080 school hours during a 10-month period in each
24 school year; or

25 (ii) If normal school attendance is prevented because of
26 conditions described in subsection (b) of this section, shall be open for at least 1,080
27 hours during a 10-month period;

28 (2) Shall be open for pupil attendance a minimum of 3 hours during
29 each school day; and

30 (3) May not be open on Saturdays, Sundays, or holidays in order to
31 meet the 180-day or 1,080-hour requirement of this subsection.

1 [(f) Publicly funded prekindergarten programs are not subject to the
2 requirements of subsection (a) of this section.]

3 **(F) BY THE 2015–2016 SCHOOL YEAR EACH PREKINDERGARTEN**
4 **PROGRAM UNDER THE JURISDICTION OF A COUNTY BOARD SHALL:**

5 **(1) FOR PREKINDERGARTEN STUDENTS NOT ELIGIBLE FOR FREE**
6 **AND REDUCED–PRICE MEALS, AS DEFINED IN § 5–207 OF THIS ARTICLE, BE**
7 **OPEN FOR AT LEAST 180 ACTUAL SCHOOL DAYS AND A MINIMUM OF 540 SCHOOL**
8 **HOURS DURING A 10–MONTH PERIOD; AND**

9 **(2) FOR PREKINDERGARTEN STUDENTS ELIGIBLE FOR FREE AND**
10 **REDUCED PRICE MEALS AS DEFINED IN § 5–207 OF THIS ARTICLE, BE OPEN FOR**
11 **AT LEAST 180 ACTUAL SCHOOL DAYS AND A MINIMUM OF 1,080 SCHOOL HOURS**
12 **DURING A 10–MONTH PERIOD.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of
14 Education shall dedicate, to the extent allowable, funds from the federal Challenge
15 grant awarded to Maryland to assist local school systems and qualified vendors to
16 increase capacity, training, and teacher certification for the enhancement and
17 sustainability of the Preschool for All program.

18 SECTION 3. AND BE IT FURTHER ENACTED, That, for the calculation in §
19 5–202(d)(1)(ii) of the Education Article, for fiscal year 2014, the State Department of
20 Education shall divide the fiscal year 2013 local appropriation by the full–time
21 equivalent enrollment used for State aid calculations in fiscal year 2013 plus the
22 actual number of full–time equivalent prekindergarten students enrolled on
23 September 30, 2011.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2012.