

HOUSE BILL 376

O4, F1

2lr0706

By: **Delegates Guyton, Feldmark, Forbes, Henson, R. Jones, Kaiser, Ruth, and Valentino-Smith**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Outdoor Preschool License Pilot Program – Establishment**

3 FOR the purpose of establishing the Outdoor Preschool License Pilot Program in the State
4 Department of Education; and generally relating to the establishment of the Outdoor
5 Preschool License Pilot Program.

6 BY adding to

7 Article – Education

8 Section 9.5–1101 through 9.5–1106 to be under the new subtitle “Subtitle 11.
9 Outdoor Preschool License Pilot Program”

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2021 Supplement)

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

14 **Article – Education**

15 **SUBTITLE 11. OUTDOOR PRESCHOOL LICENSE PILOT PROGRAM.**

16 **9.5–1101.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) “OUTDOOR, NATURE–BASED EARLY LEARNING AND CHILD CARE
20 PROGRAM” MEANS AN EARLY LEARNING OR CHILD CARE PROGRAM:

21 (1) THAT IS PRIMARILY OPERATED OUTDOORS; AND

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) IN WHICH CHILDREN ARE ENROLLED ON A REGULAR BASIS FOR 3**
2 **OR MORE HOURS PER DAY.**

3 **(C) “PILOT PROGRAM” MEANS THE OUTDOOR PRESCHOOL LICENSE PILOT**
4 **PROGRAM.**

5 **9.5–1102.**

6 **(A) (1) THERE IS AN OUTDOOR PRESCHOOL LICENSE PILOT PROGRAM.**

7 **(2) THE DEPARTMENT SHALL ADMINISTER THE PILOT PROGRAM.**

8 **(3) THE DEPARTMENT MAY CONVENE AN ADVISORY GROUP OF**
9 **OUTDOOR, NATURE–BASED EARLY LEARNING PRACTITIONERS TO INFORM AND**
10 **SUPPORT THE IMPLEMENTATION OF THE PILOT PROGRAM.**

11 **(B) THE PURPOSE OF THE PILOT PROGRAM IS TO LICENSE OUTDOOR,**
12 **NATURE–BASED EARLY LEARNING AND CHILD CARE PROGRAMS IN ORDER TO:**

13 **(1) EXPAND ACCESS TO AFFORDABLE, HIGH–QUALITY EARLY**
14 **LEARNING AND CHILD CARE PROGRAMS; AND**

15 **(2) INVESTIGATE THE BENEFITS OF OUTDOOR, NATURE–BASED**
16 **CLASSROOMS.**

17 **9.5–1103.**

18 **(A) (1) THE PILOT PROGRAM SHALL BEGIN ON OR BEFORE AUGUST 31,**
19 **2022, AND SHALL CONTINUE FOR 3 YEARS.**

20 **(2) THE DEPARTMENT SHALL SELECT BETWEEN 5 AND 10 OUTDOOR,**
21 **NATURE–BASED EARLY LEARNING AND CHILD CARE PROGRAMS TO PARTICIPATE IN**
22 **THE PILOT PROGRAM DURING THE FIRST YEAR OF THE PILOT PROGRAM.**

23 **(3) BEGINNING AUGUST 31, 2023, THE DEPARTMENT MAY SELECT**
24 **ADDITIONAL OUTDOOR, NATURE–BASED EARLY LEARNING AND CHILD CARE**
25 **PROGRAMS TO PARTICIPATE IN THE PILOT PROGRAM.**

26 **(B) WHEN SELECTING AND APPROVING OUTDOOR, NATURE–BASED EARLY**
27 **LEARNING AND CHILD CARE PROGRAMS TO PARTICIPATE IN THE PILOT PROGRAM,**
28 **THE DEPARTMENT:**

1 **(1) SHALL GIVE PRIORITY TO EXISTING NATURE-BASED EARLY**
2 **LEARNING AND CHILD CARE PROGRAMS;**

3 **(2) SHALL SELECT A MIX OF RURAL, URBAN, AND SUBURBAN**
4 **PROGRAMS; AND**

5 **(3) MAY GIVE PRIORITY TO:**

6 **(I) AREAS WHERE THERE ARE FEW OR LIMITED LICENSED**
7 **EARLY CHILD CARE PROGRAMS; AND**

8 **(II) AREAS OF NEED WHERE LICENSED EARLY CHILD CARE**
9 **PROGRAMS ARE AT OR NEAR FULL CAPACITY, AND WHERE ACCESS MAY BE**
10 **RESTRICTED BY ENROLLMENT WAITLISTS.**

11 **(C) THE DEPARTMENT MAY WAIVE OR ADAPT EXISTING CHILD CARE**
12 **LICENSING REQUIREMENTS TO ALLOW FOR THE OPERATION OF THE PILOT**
13 **PROGRAM.**

14 **9.5-1104.**

15 **THE DEPARTMENT MAY ADAPT THE MARYLAND EXCELS PROGRAM AS**
16 **NECESSARY FOR USE IN ASSESSING THE QUALITY OF OUTDOOR, NATURE-BASED**
17 **EARLY LEARNING AND CHILD CARE PROGRAMS.**

18 **9.5-1105.**

19 **(A) ON OR BEFORE DECEMBER 1 OF 2022 AND 2023, THE DEPARTMENT**
20 **SHALL SUBMIT INTERIM REPORTS TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
21 **2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE**
22 **IMPLEMENTATION OF THE PILOT PROGRAM, INCLUDING:**

23 **(1) THE NUMBER OF PARTICIPATING PROVIDERS IN THE PILOT**
24 **PROGRAM; AND**

25 **(2) THE NUMBER OF CHILDREN AND FAMILIES BEING SERVED BY THE**
26 **PILOT PROGRAM.**

27 **(B) ON OR BEFORE DECEMBER 1, 2024, THE DEPARTMENT SHALL SUBMIT**
28 **A FINAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE**
29 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE FINDINGS OF THE**
30 **PILOT PROGRAM, INCLUDING:**

1 **(1) A DISCUSSION OF POTENTIAL OPTIONS TO MITIGATE THE**
2 **UNCERTAINTY FOR FAMILIES AND PARTICIPATING PROVIDERS DURING THE FINAL 6**
3 **MONTHS OF THE PILOT PROGRAM; AND**

4 **(2) RECOMMENDATIONS FOR MODIFYING OR EXPANDING THE PILOT**
5 **PROGRAM.**

6 **9.5–1106.**

7 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
8 **SUBTITLE IN CONSULTATION WITH:**

9 **(1) THE EASTERN REGION ASSOCIATION OF FOREST AND NATURE**
10 **SCHOOLS;**

11 **(2) THE OUTDOOR PRESCHOOL LICENSING AND ADVISORY TEAM;**
12 **AND**

13 **(3) ANY OTHER STAKEHOLDERS THE DEPARTMENT CONSIDERS**
14 **NECESSARY.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2022. It shall remain effective for a period of 3 years and 6 months and, at the end of
17 December 31, 2025, this Act, with no further action required by the General Assembly, shall
18 be abrogated and of no further force and effect.