

# HOUSE BILL 1305

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By: **Delegate Ivey**

Introduced and read first time: February 11, 2022

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Early Childhood Education – Prekindergarten Programs – Montessori Schools**

3 FOR the purpose of altering the eligibility requirements for the Prekindergarten Expansion  
4 Grant Program and publicly funded prekindergarten programs to include Montessori  
5 schools that meet certain operational requirements, staff credentials,  
6 student-to-staff ratios, and classroom sizes; authorizing a county board of education  
7 to consult with a Montessori teacher in determining how to implement the  
8 kindergarten readiness assessment; and generally relating to the inclusion of  
9 Montessori schools in prekindergarten programs in the State.

10 BY repealing and reenacting, without amendments,  
11 Article – Education  
12 Section 7–101.2(a)(1), (5), and (6) and (b)(1), 7–1A–01(a) and (c) through (e), and  
13 7–210(a) and (b)  
14 Annotated Code of Maryland  
15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 7–101.2(c), 7–1A–04(a), and 7–210(d)  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2021 Supplement)

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

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



## Article – Education

7–101.2.

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

(5) “Program” means the Prekindergarten Expansion Grant Program.

(6) “Qualified provider” means:

(i) If partnering with a county board under a memorandum of understanding, a State accredited or nationally accredited child care program or a nonpublic school approved by the Department to provide prekindergarten services; and

(ii) A county board.

(b) (1) There is a grant program known as the Prekindergarten Expansion Grant Program in the State.

(c) (1) [Before] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE** approving qualified providers for prekindergarten services to receive a grant under this section, a qualified provider shall certify to the Department that for each classroom funded under this section the provider will:

[(1)] (I) Maintain a student–to–classroom personnel ratio of no more than 10 to 1 with a maximum of 20 children per classroom;

[(2)] (II) Provide in each classroom at least one teacher certified in early childhood education by the State and at least one teacher’s aide who has at least a high school degree;

[(3)] (III) Operate an educational program for:

[(i)] 1. 5 days per week;

[(ii)] 2. 180 days per year, in accordance with the public school calendar established by the local school board; and

[(iii)] 1.] 3. A. For half–day programs, at least 2.5 hours per day;  
or

2.] B. For full–day programs, at least 6.5 hours per day;  
and

1            [(4)] (IV) To receive a grant under this section, meet the requirements of §  
2 7-1A-04 of this title.

3            (2) BEFORE APPROVING QUALIFIED PROVIDERS WHO ARE  
4 NONPUBLIC MONTESSORI SCHOOLS OR MONTESSORI PROGRAMS IN NONPUBLIC  
5 SCHOOLS FOR PREKINDERGARTEN SERVICES TO RECEIVE A GRANT UNDER THIS  
6 SECTION, A QUALIFIED PROVIDER SHALL CERTIFY TO THE DEPARTMENT THAT FOR  
7 EACH CLASSROOM FUNDED UNDER THIS SECTION THE PROVIDER WILL:

8            (I) MEET THE REQUIREMENTS LISTED UNDER PARAGRAPH  
9 (1)(III) OF THIS SUBSECTION;

10            (II) ~~MAINTAIN A STUDENT TO CLASSROOM PERSONNEL RATIO~~  
11 ~~OF NOT MORE THAN 10 TO 1 FOR STUDENTS UNDER THE AGE OF 5 YEARS AND NOT~~  
12 ~~MORE THAN 15 TO 1 FOR STUDENTS WHO ARE AT LEAST 5 YEARS OLD, IN A~~  
13 ~~CLASSROOM THAT CONTAINS BOTH CHILDREN UNDER THE AGE OF 5 YEARS AND~~  
14 ~~CHILDREN AT LEAST 5 YEARS OLD:~~

15            1. AT LEAST 1 TEACHER AND 1 TEACHER'S AIDE IN  
16 EVERY CLASSROOM WITH 25 OR FEWER STUDENTS; AND

17            2. AT LEAST 1 TEACHER AND 2 TEACHER'S AIDES IN  
18 EVERY CLASSROOM WITH AT LEAST 26 AND FEWER THAN 36 STUDENTS;

19            (III) ~~MAINTAIN A STUDENT TO CLASSROOM AREA RATIO OF 1~~  
20 ~~TO 35 SQUARE FEET FOR STUDENTS UNDER THE AGE OF 5 YEARS AND 1 TO 25~~  
21 ~~SQUARE FEET FOR STUDENTS WHO ARE AT LEAST 5 YEARS OLD A~~  
22 STUDENT-TO-CLASSROOM AREA RATIO OF 1 TO 30 SQUARE FEET FOR CLASSES THAT  
23 CONTAIN BOTH CHILDREN UNDER THE AGE OF 5 YEARS AND CHILDREN AT LEAST 5  
24 YEARS OLD; AND

25            (IV) ENSURE THAT THE CLASSROOM TEACHER HOLDS A  
26 BACHELOR'S DEGREE AND IS CERTIFIED BY:

27            1. THE ASSOCIATION MONTESSORI INTERNATIONALE,  
28 USA;

29            2. THE AMERICAN MONTESSORI SOCIETY; OR

30            3. THE MONTESSORI ACCREDITATION COUNCIL FOR  
31 TEACHER EDUCATION.

32 7-1A-01.

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

2 (c) “Eligible prekindergarten provider” includes an:

3 (1) Eligible public provider; and

4 (2) Eligible private provider.

5 (d) “Eligible public provider” means an early learning program that:

6 (1) Is provided by a county board at a public school; and

7 (2) Meets the requirements under § 7–1A–04 of this subtitle.

8 (e) (1) “Eligible private provider” means a community based early learning  
9 program that:

10 (i) Is licensed in the State;

11 (ii) Does not charge more tuition for full–day prekindergarten than  
12 the cost of quality; and

13 (iii) Meets the requirements under § 7–1A–04 of this subtitle.

14 (2) “Eligible private provider” includes the Ulysses Currie Head Start  
15 Program under § 5–231 of this article.

16 7–1A–04.

17 (a) **(1) [All] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
18 **SUBSECTION, ALL** eligible prekindergarten providers shall include structural elements  
19 that are evidence–based and nationally recognized as important for ensuring program  
20 quality, including:

21 **[(1)] (I)** Beginning in the 2025–2026 school year:

22 **[(i)] 1.** High staff qualifications, including teachers who, at a  
23 minimum, hold:

24 **[1.] A.** State certification for teaching in early childhood  
25 education; or

26 **[2.] B.** A bachelor’s degree in any field and are pursuing  
27 residency through the Maryland Approved Alternative Preparation Program, which  
28 includes early childhood coursework, clinical practice, and evidence of pedagogical content  
29 knowledge; and

- 1                    [(ii)] 2.     Teaching assistants who have at least:
- 2                    [1.] A.        A Child Development Associate (CDA) certificate; or
- 3                    [2.] B.        An associate’s degree;
- 4                    [(2)] (II)     Professional development for all staff;
- 5                    [(3)] (III)    A student–to–classroom personnel ratio of no more than 10 to 1  
6 in each class;
- 7                    [(4)] (IV)    Class sizes of no more than 20 students per classroom;
- 8                    [(5)] (V)     A full–day prekindergarten program;
- 9                    [(6)] (VI)    Inclusion of students with disabilities to ensure access to and full  
10 participation in all program opportunities;
- 11                   [(7)] (VII)   For at least 1 year before a student’s enrollment in kindergarten,  
12 learning environments that:
- 13                   [(i)] 1.        Are aligned with State Early Learning and Development  
14 Standards;
- 15                   [(ii)] 2.        Use evidence–based curricula; and
- 16                   [(iii)] 3.        Use instruction methods that are:
- 17                   [1.] A.        Developmentally appropriate; and
- 18                   [2.] B.        Culturally and linguistically responsive;
- 19                   [(8)] (VIII)   Individualized accommodations and supports for all students;
- 20                   [(9)] (IX)    Instructional staff salaries and benefits that are comparable to  
21 the salaries and benefits of instructional staff employed by the county board of the county  
22 in which the early learning program is located;
- 23                   [(10)] (X)     Program evaluation to ensure continuous program improvement;
- 24                   [(11)] (XI)    On–site or accessible comprehensive services for students;
- 25                   [(12)] (XII)   Community partnerships that promote access to comprehensive  
26 services for families of students; and

1 [(13)] (XIII) Evidence-based health and safety standards.

2 (2) IF AN ELIGIBLE PREKINDERGARTEN PROVIDER IS A NONPUBLIC  
 3 MONTESSORI SCHOOL OR MONTESSORI PROGRAM IN A NONPUBLIC SCHOOL, THE  
 4 ELIGIBLE PREKINDERGARTEN PROVIDER SHALL INCLUDE THE STRUCTURAL  
 5 ELEMENTS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION, EXCEPT:

6 (I) INSTEAD OF MEETING THE STAFF QUALIFICATIONS LISTED  
 7 IN PARAGRAPH (1)(I) OF THIS SUBSECTION, THE PREKINDERGARTEN PROVIDER  
 8 SHALL INCLUDE TEACHERS WHO HOLD A BACHELOR'S DEGREE AND ARE CERTIFIED  
 9 BY:

- 10 1. THE ASSOCIATION MONTESSORI INTERNATIONALE,  
 11 USA;
- 12 2. THE AMERICAN MONTESSORI SOCIETY; OR
- 13 3. THE MONTESSORI ACCREDITATION COUNCIL FOR  
 14 TEACHER EDUCATION;

15 (II) INSTEAD OF MEETING THE STUDENT-TO-CLASSROOM  
 16 PERSONNEL RATIO LISTED IN PARAGRAPH (1)(III) OF THIS SUBSECTION, THE  
 17 PREKINDERGARTEN PROVIDER SHALL MAINTAIN A STUDENT TO CLASSROOM  
 18 PERSONNEL RATIO OF NOT MORE THAN 10 TO 1 FOR STUDENTS UNDER THE AGE OF  
 19 5 YEARS AND NO MORE THAN 15 TO 1 FOR STUDENTS WHO ARE AT LEAST 5 YEARS  
 20 OLD, IN A CLASSROOM THAT CONTAINS BOTH CHILDREN UNDER THE AGE OF 5 YEARS  
 21 AND CHILDREN AT LEAST 5 YEARS OLD:

- 22 1. AT LEAST 1 TEACHER AND 1 TEACHER'S AIDE IN  
 23 EVERY CLASSROOM WITH 25 OR FEWER STUDENTS; AND
- 24 2. AT LEAST 1 TEACHER AND 2 TEACHER'S AIDES IN  
 25 EVERY CLASSROOM WITH AT LEAST 26 AND FEWER THAN 36 STUDENTS; AND

26 (III) INSTEAD OF MEETING THE CLASSROOM SIZE LISTED IN  
 27 PARAGRAPH (1)(IV) OF THIS SUBSECTION, THE PREKINDERGARTEN PROVIDER  
 28 SHALL MAINTAIN, IN A CLASSROOM THAT CONTAINS BOTH CHILDREN UNDER THE  
 29 AGE OF 5 YEARS AND CHILDREN AT LEAST 5 YEARS OLD, A  
 30 STUDENT-TO-CLASSROOM AREA RATIO OF 1 TO 35 SQUARE FEET FOR STUDENTS  
 31 UNDER THE OF 5 YEARS AND 1 TO 25 SQUARE FEET FOR STUDENTS WHO ARE AT  
 32 LEAST 5 YEARS OLD 30.

1 (a) Beginning in the 2022–2023 school year, a racially and culturally unbiased  
2 statewide kindergarten assessment that is administered with the purpose of measuring  
3 school readiness to be used for diagnostic purposes, curriculum development, and early  
4 detection of learning challenges shall be given to all incoming kindergarten students in the  
5 State and:

6 (1) May include an evaluation of:

7 (i) Language and literacy skills;

8 (ii) Academic knowledge in mathematics, science, and social studies;

9 (iii) Physical development; and

10 (iv) Social development; and

11 (2) Shall be completed on or before October 10 with the aggregate results  
12 returned within 45 days after administration of the assessment.

13 (b) (1) Except as provided in paragraph (2) of this subsection, a statewide  
14 kindergarten assessment may not be administered to an enrolled prekindergarten student.

15 (2) A statewide kindergarten assessment or early learning assessment may  
16 be administered to an enrolled prekindergarten student by a school psychologist or other  
17 school–based professional who intends to use the results in order to identify a disability.

18 (d) (1) Before administering the early learning assessment, a county board  
19 shall consult with kindergarten teachers, including teachers nominated by the exclusive  
20 bargaining representative, in determining how to implement the assessment.

21 (2) **A COUNTY BOARD MAY CONSULT WITH A MONTESSORI TEACHER**  
22 **IN DETERMINING HOW TO IMPLEMENT THE ASSESSMENT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
24 1, 2022.