

HOUSE BILL 770

F5, O4

EMERGENCY BILL

3lr2357
CF 3lr3024

By: **Delegate Atterbeary (By Request – Accountability and Implementation Board)**

Introduced and read first time: February 8, 2023

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Publicly Funded Full-Day Prekindergarten Program – Tier I Child – Alteration**
3 **of Definition**

4 FOR the purpose of altering the definition of a “Tier I child” who may be enrolled beginning
5 in a certain school year to a full-day prekindergarten program, to include children
6 with a disability, children who are homeless youths, and children who are from
7 homes in which English is not the primary spoken language; and generally relating
8 to publicly funded full-day prekindergarten.

9 BY repealing and reenacting, without amendments,
10 Article – Education
11 Section 5–229(a) through (d), 7–1A–01(a), 7–1A–03, and 7–1A–08
12 Annotated Code of Maryland
13 (2022 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 7–1A–01(i), 7–1A–04(a), and 7–1A–06
17 Annotated Code of Maryland
18 (2022 Replacement Volume)

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

Article – Education

22 5–229.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) "County program amount" means, for each county, the product of the
2 per pupil amount and the prekindergarten enrollment.

3 (3) "Family share" means the amount calculated under subsection (e) of
4 this section rounded to the nearest whole dollar.

5 (4) "Local share" means, for each county, the result of the county program
6 amount minus the State share rounded to the nearest whole dollar.

7 (5) "Per pupil amount" means:

8 (i) In fiscal year 2023, \$10,094;

9 (ii) In fiscal year 2024, \$11,594;

10 (iii) In fiscal year 2025, \$13,003;

11 (iv) In fiscal year 2026, \$14,473;

12 (v) In fiscal year 2027, \$15,598;

13 (vi) In fiscal year 2028, \$16,811;

14 (vii) In fiscal year 2029, \$18,118;

15 (viii) In fiscal year 2030, \$19,526; and

16 (ix) In subsequent fiscal years, the per pupil amount for the prior
17 fiscal year increased by the inflation adjustment rounded to the nearest whole dollar.

18 (6) "Prekindergarten enrollment" means:

19 (i) Beginning in fiscal year 2023, the number of Tier I children
20 enrolled with an eligible prekindergarten provider; and

21 (ii) Beginning in fiscal year 2025, the number of Tier I and Tier II
22 children enrolled with an eligible prekindergarten provider.

23 (7) "State share" means, for each county, rounded to the nearest whole
24 dollar, the following calculations multiplied by 0.5:

25 (i) Multiply the per pupil amount by the county's prekindergarten
26 enrollment;

27 (ii) Divide the result calculated under item (i) of this paragraph by
28 the ratio, rounded to seven decimal places, of local wealth per pupil to statewide wealth per
29 pupil; and

1 (iii) Multiply the result calculated under item (ii) of this paragraph
2 by the result, rounded to seven decimal places, that results from dividing the total program
3 amount by the sum of all of the results calculated under item (ii) of this paragraph for all
4 counties.

5 (8) "Tier I child" has the meaning stated in § 7-1A-01 of this article.

6 (9) "Tier II child" has the meaning stated in § 7-1A-01 of this article.

7 (10) "Tier III child" has the meaning stated in § 7-1A-01 of this article.

8 (11) "Total program amount" means the product of the per pupil amount and
9 the statewide prekindergarten enrollment.

10 (b) To be eligible for public funding, a prekindergarten provider shall comply with
11 Title 7, Subtitle 1A of this article.

12 (c) (1) (i) As calculated under subsection (d) of this section, there is a State
13 share and local share of the per pupil amount for Tier I children.

14 (ii) There is no family share for Tier I children.

15 (2) As calculated under subsection (e) of this section and beginning in fiscal
16 year 2025, there is a State share, local share, and family share of the per pupil amount for
17 Tier II children.

18 (3) Tier III children are not eligible for funding under this section.

19 (d) (1) For public providers, each fiscal year:

20 (i) The State shall distribute the State share to each county board;
21 and

22 (ii) The county board shall distribute to each public provider the
23 minimum school funding amount for prekindergarten calculated under § 5-234 of this
24 subtitle.

25 (2) For private providers, each fiscal year:

26 (i) The State shall distribute the State share for private providers
27 to the Department;

28 (ii) The county shall distribute the local share for private providers
29 to the Department; and

1 (iii) The Department shall distribute the State and local share to the
2 private providers.

3 7-1A-01.

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

5 (i) “Tier I child” means a child:

6 (1) Who is 3 or 4 years old;

7 (2) (I) Whose family income is less than or equal to 300% of the federal
8 poverty level;

9 (II) **WHO IS A CHILD WITH A DISABILITY;**

10 (III) **WHO IS A HOMELESS YOUTH; OR**

11 (IV) **WHO IS FROM A HOME IN WHICH ENGLISH IS NOT THE**
12 **PRIMARY SPOKEN LANGUAGE;** and

13 (3) Whose family chooses to enroll the child in full-day prekindergarten.

14 7-1A-03.

15 (a) Except as provided under subsection (b) of this section, a county board shall
16 ensure that:

17 (1) Beginning in the 2022–2023 school year, prekindergarten slots
18 provided by eligible private providers shall account for at least 30% of the total
19 prekindergarten slots provided by eligible prekindergarten providers in each county;

20 (2) The proportion of eligible private provider prekindergarten slots in each
21 county increases by 5 percentage points every school year, until, in the 2026–2027 school
22 year, eligible private provider prekindergarten slots account for at least 50% of eligible
23 prekindergarten provider prekindergarten slots in each county; and

24 (3) In each year after the 2026–2027 school year, the proportion of eligible
25 private provider prekindergarten slots in each county shall continue to constitute at least
26 50% of eligible prekindergarten provider prekindergarten slots in each county.

27 (b) (1) The Department shall issue a waiver from the requirements of this
28 section to a county board if:

29 (i) All families in the county who desire to enroll their eligible
30 children with eligible prekindergarten providers are able to do so; or

1 (ii) After reasonable cross-jurisdictional or regional efforts, there
2 are too few eligible private providers to meet the minimum requirements of this section.

3 (2) The Department may exclude by annual waiver Tier I children who are
4 3 years old in a county from the calculation under subsection (a) of this section until the
5 2029–2030 school year.

6 (3) The Department may exclude by annual waiver Tier I children who are
7 4 years old in a county from the calculation under subsection (a) of this section until the
8 2026–2027 school year.

9 (4) The Department shall establish waiver application procedures to carry
10 out the provisions of this subsection.

11 7–1A–04.

12 (a) All eligible prekindergarten providers shall include structural elements that
13 are evidence-based and nationally recognized as important for ensuring program quality,
14 including:

15 (1) Beginning in the 2025–2026 school year:

16 (i) High staff qualifications, including teachers who, at a minimum,
17 hold:

18 1. State certification for teaching in early childhood
19 education; or

20 2. A bachelor's degree in any field and are pursuing
21 residency through the Maryland Approved Alternative Preparation Program, which
22 includes early childhood coursework, clinical practice, and evidence of pedagogical content
23 knowledge; and

24 (ii) Teaching assistants who have at least:

25 1. A Child Development Associate (CDA) certificate; or

26 2. An associate's degree;

27 (2) Professional development for all staff;

28 (3) A student-to-classroom personnel ratio of no more than 10 to 1 in each
29 class;

30 (4) Class sizes of no more than 20 students per classroom;

1 (5) A full-day prekindergarten program;

2 (6) [Inclusion of students with disabilities to ensure access to and full
3 participation in all program opportunities;

4 (7)] For at least 1 year before a student's enrollment in kindergarten,
5 learning environments that:

6 (i) Are aligned with State Early Learning and Development
7 Standards;

8 (ii) Use evidence-based curricula; and

9 (iii) Use instruction methods that are:

10 1. Developmentally appropriate; and

11 2. Culturally and linguistically responsive;

12 [(8)] (7) Individualized accommodations and supports for all students;

13 [(9)] (8) Instructional staff salaries and benefits that are comparable to
14 the salaries and benefits of instructional staff employed by the county board of the county
15 in which the early learning program is located;

16 [(10)] (9) Program evaluation to ensure continuous program improvement;

17 [(11)] (10) On-site or accessible comprehensive services for students;

18 [(12)] (11) Community partnerships that promote access to comprehensive
19 services for families of students; and

20 [(13)] (12) Evidence-based health and safety standards.

21 7-1A-06.

22 (a) Beginning in the 2022-2023 school year, Tier I children who are 3 or 4 years
23 old may be enrolled in a full-day prekindergarten program under this subtitle.

24 (b) (1) The proportion of enrolled Tier I children who are 3 years old shall
25 increase annually until all Tier I children who are 3 years old are enrolled in a full-day
26 prekindergarten program.

27 (2) The proportion of enrolled Tier I children who are 4 years old shall
28 increase annually so that all Tier I children who are 4 years old shall be enrolled in a
29 full-day prekindergarten program.

1 (c) Beginning in the 2024–2025 school year, Tier II children may be enrolled in a
2 full–day prekindergarten program if space is available to encourage socioeconomic diversity
3 in prekindergarten classrooms.

4 (d) Priority in expanding prekindergarten slots shall be provided to 3– and 4–year
5 olds who are[:

6 (1) Tier I children[;

7 (2) Children with disabilities, regardless of income;

8 (3) Homeless youth; and

9 (4) Children from homes in which English is not the primary spoken
10 language].

11 (e) The ability of a family to choose the prekindergarten provider in which to
12 enroll their child does not supersede local authority to set school attendance boundaries.

13 7–1A–08.

14 On or before December 1, 2021, and each December 1 thereafter, each county board
15 shall submit the following information, disaggregated by eligible private and eligible public
16 providers, to the Department and the Accountability and Implementation Board
17 established under Title 5, Subtitle 4 of this article:

18 (1) The number of eligible prekindergarten providers in the county;

19 (2) The number of eligible prekindergarten providers in the county that, in
20 the immediately preceding calendar year, expanded to offer prekindergarten programs that
21 are open for pupil attendance a minimum of 6.5 hours during each school day;

22 (3) The Maryland EXCELS program quality rating level of each eligible
23 prekindergarten provider in the county;

24 (4) The participation rate of all county 3– and 4–year olds in eligible
25 prekindergarten providers established or expanded in accordance with this subtitle,
26 disaggregated by age and tier, if applicable;

27 (5) The number and proportion of eligible prekindergarten providers in the
28 county that are eligible private providers;

29 (6) A measure of school readiness in accordance with § 7–210 of this title;
30 and

1 (7) A demonstration that the expansion of prekindergarten programs in
2 the county gave priority to:

3 (i) Children in areas with limited or no access to quality child care,
4 regardless of family income;

5 (ii) Tier I children; and

6 (iii) Students with disabilities, regardless of family income.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety, has
9 been passed by a ye and nay vote supported by three-fifths of all the members elected to
10 each of the two Houses of the General Assembly, and shall take effect from the date it is
11 enacted.