

HOUSE BILL 770

F5, O4

EMERGENCY BILL

3lr2357
CF SB 913

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

Introduced and read first time: February 8, 2023

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~Publicly Funded Full-Day Prekindergarten Program – Tier I Child – Alteration~~
3 ~~of Definition~~
4 Blueprint for Maryland’s Future – Publicly Funded Prekindergarten, Maryland
5 Consortium on Coordinated Community Supports, and Career Ladder –
6 Alterations

7 FOR the purpose of altering the duties of an assistant principal on the career ladder created
8 by the Blueprint for Maryland’s Future; delaying the date on which county boards of
9 education must select certain experts from the career ladder to write curriculum and
10 develop model lessons; altering the definition of a “Tier I child” who may be enrolled
11 beginning in a certain school year to a full-day prekindergarten program, to include
12 ~~children with a disability, children who are homeless youths, and children who are~~
13 ~~from homes in which English is not the primary spoken language; to include children~~
14 who are homeless youths; authorizing certain children to enroll in full-day
15 prekindergarten programs beginning in a certain school year, and requiring these
16 children to be counted as Tier I children for a certain purpose in a certain school
17 year; altering the membership of the Maryland Consortium on Coordinated
18 Community Supports to include a school counselor; and generally relating to publicly
19 ~~funded full-day prekindergarten~~ the Blueprint for Maryland’s Future.

20 BY repealing and reenacting, without amendments,

21 Article – Education

22 Section 5–229(a) through (d), 7–1A–01(a), 7–1A–03, and 7–1A–08

23 Annotated Code of Maryland

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.



(2022 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education

Section ~~6–1003(b), 6–1004(e), 7–1A–01(i), 7–1A–04(a), and 7–1A–06,~~ and 7–447.1(d)
and (e)

Annotated Code of Maryland

(2022 Replacement Volume)

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

Article – Education

5–229.

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

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

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

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

(5) “Per pupil amount” means:

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

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

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

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

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

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

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

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

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

1 (6) “Prekindergarten enrollment” means:

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

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

6 (7) “State share” means, for each county, rounded to the nearest whole
7 dollar, the following calculations multiplied by 0.5:

8 (i) Multiply the per pupil amount by the county’s prekindergarten
9 enrollment;

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

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

17 (8) “Tier I child” has the meaning stated in § 7–1A–01 of this article.

18 (9) “Tier II child” has the meaning stated in § 7–1A–01 of this article.

19 (10) “Tier III child” has the meaning stated in § 7–1A–01 of this article.

20 (11) “Total program amount” means the product of the per pupil amount and
21 the statewide prekindergarten enrollment.

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

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

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

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

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

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

2 (i) The State shall distribute the State share to each county board;
3 and

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

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

8 (i) The State shall distribute the State share for private providers
9 to the Department;

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

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

14 6–1003.

15 (b) (1) An assistant principal is on level three of the career ladder and shall:

16 (i) Be an NBC teacher; or

17 (ii) Have an advanced professional certificate for administration.

18 (2) Beginning with teachers listed under § 6–1002(f)(3) of this subtitle, as
19 specified by the State Board, an assistant principal shall:

20 (i) [Teach in the classroom] PARTICIPATE IN CLASSROOM
21 ACTIVITY INVOLVING DIRECT INTERACTIONS WITH STUDENTS for at least 20% of their
22 working hours; and

23 (ii) Spend A PORTION OF the remaining time on other [teacher]
24 activities, including:

25 1. Setting priorities for the subject level departments of the
26 school; and

27 2. Fulfilling specialized roles, such as head of professional
28 development.

29 6–1004.

30 (e) A county board shall select:

1 (1) A mentor teacher for induction programs and teacher training
2 practicums from the teacher leadership track; and

3 (2) [An] BEGINNING JULY 1, 2026, AN expert to write curriculum and
4 assessment items and develop model lessons from the distinguished teacher and professor
5 distinguished teacher tiers of the teacher leadership track.

6 7-1A-01.

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

8 (i) “Tier I child” means a child:

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

10 (2) (I) Whose family income is less than or equal to 300% of the federal
11 poverty level; **OR**

12 (II) ~~WHO IS A CHILD WITH A DISABILITY;~~

13 (III) ~~WHO IS A HOMELESS YOUTH; OR~~

14 (IV) ~~WHO IS FROM A HOME IN WHICH ENGLISH IS NOT THE~~
15 ~~PRIMARY SPOKEN LANGUAGE;~~ and

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

17 7-1A-03.

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

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

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

27 (3) In each year after the 2026–2027 school year, the proportion of eligible
28 private provider prekindergarten slots in each county shall continue to constitute at least
29 50% of eligible prekindergarten provider prekindergarten slots in each county.

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

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

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

7 (2) The Department may exclude by annual waiver Tier I children who are
8 3 years old in a county from the calculation under subsection (a) of this section until the
9 2029–2030 school year.

10 (3) The Department may exclude by annual waiver Tier I children who are
11 4 years old in a county from the calculation under subsection (a) of this section until the
12 2026–2027 school year.

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

15 ~~7-1A-04.~~

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

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

20 ~~(i) High staff qualifications, including teachers who, at a minimum,~~
21 ~~hold:~~

22 ~~1. State certification for teaching in early childhood~~
23 ~~education; or~~

24 ~~2. A bachelor's degree in any field and are pursuing~~
25 ~~residency through the Maryland Approved Alternative Preparation Program, which~~
26 ~~includes early childhood coursework, clinical practice, and evidence of pedagogical content~~
27 ~~knowledge; and~~

28 ~~(ii) Teaching assistants who have at least:~~

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

30 ~~2. An associate's degree;~~

31 ~~(2) Professional development for all staff;~~

1 ~~(3) A student to classroom personnel ratio of no more than 10 to 1 in each~~
 2 ~~class;~~

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

4 ~~(5) A full-day prekindergarten program;~~

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

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

9 ~~(i) Are aligned with State Early Learning and Development~~
 10 ~~Standards;~~

11 ~~(ii) Use evidence-based curricula; and~~

12 ~~(iii) Use instruction methods that are:~~

13 ~~1. Developmentally appropriate; and~~

14 ~~2. Culturally and linguistically responsive;~~

15 ~~[(8)](7) Individualized accommodations and supports for all students;~~

16 ~~[(9)](8) Instructional staff salaries and benefits that are comparable to~~
 17 ~~the salaries and benefits of instructional staff employed by the county board of the county~~
 18 ~~in which the early learning program is located;~~

19 ~~[(10)](9) Program evaluation to ensure continuous program improvement;~~

20 ~~[(11)](10) On-site or accessible comprehensive services for students;~~

21 ~~[(12)](11) Community partnerships that promote access to comprehensive~~
 22 ~~services for families of students; and~~

23 ~~[(13)](12) Evidence-based health and safety standards.~~

24 7-1A-06.

25 (a) **(1)** Beginning in the 2022-2023 school year, Tier I children who are 3 or 4
 26 years old may be enrolled in a full-day prekindergarten program under this subtitle.

1 **(2) BEGINNING IN THE 2023–2024 SCHOOL YEAR, CHILDREN WHO**
 2 **ARE 3 OR 4 YEARS OLD MAY ENROLL IN A FULL–DAY PREKINDERGARTEN PROGRAM**
 3 **UNDER THIS SUBTITLE IF THE CHILDREN ARE:**

4 **(I) TIER II CHILDREN; AND**

5 **(II) 1. CHILDREN WITH DISABILITIES; OR**

6 **2. CHILDREN FROM HOMES IN WHICH ENGLISH IS NOT**
 7 **THE PRIMARY SPOKEN LANGUAGE.**

8 **(3) IN THE 2023–2024 SCHOOL YEAR ONLY, CHILDREN DESCRIBED**
 9 **UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE COUNTED AS TIER I**
 10 **CHILDREN FOR PURPOSES OF FUNDING ALLOCATED UNDER § 5–229 OF THIS**
 11 **ARTICLE.**

12 **(4) BEGINNING IN THE 2024–2025 SCHOOL YEAR, CHILDREN**
 13 **DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE COUNTED AS**
 14 **TIER II CHILDREN FOR PURPOSES OF FUNDING ALLOCATED UNDER § 5–229 OF THIS**
 15 **ARTICLE.**

16 (b) (1) The proportion of enrolled Tier I children who are 3 years old shall
 17 increase annually until all Tier I children who are 3 years old are enrolled in a full–day
 18 prekindergarten program.

19 (2) The proportion of enrolled Tier I children who are 4 years old shall
 20 increase annually so that all Tier I children who are 4 years old shall be enrolled in a
 21 full–day prekindergarten program.

22 (c) ~~Beginning~~ **EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS**
 23 **SECTION, BEGINNING** in the 2024–2025 school year, Tier II children may be enrolled in a
 24 full–day prekindergarten program if space is available to encourage socioeconomic diversity
 25 in prekindergarten classrooms.

26 (d) Priority in expanding prekindergarten slots shall be provided to 3– and 4–year
 27 olds who are~~†~~:

28 (1)~~†~~ Tier I children~~†~~;

29 (2) Children with disabilities, regardless of income; **AND**

30 (3) ~~Homeless youth; and~~

31 (4) Children from homes in which English is not the primary spoken
 32 language~~†~~.

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

3 7-1A-08.

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

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

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

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

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

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

19 (6) A measure of school readiness in accordance with § 7-210 of this title;
20 and

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

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

25 (ii) Tier I children; and

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

27 7-447.1.

28 (d) The Consortium consists of:

29 (1) The following members representing government agencies:

30 (i) The Secretary of Health, or the Secretary's designee;

- 1 (ii) The Secretary of Human Services, or the Secretary's designee;
- 2 (iii) The Secretary of Juvenile Services, or the Secretary's designee;
- 3 (iv) The State Superintendent of Schools, or the State
4 Superintendent's designee;
- 5 (v) The Chair of the Commission, or the Chair's designee;
- 6 (vi) The Director of Community Schools in the [State] Department
7 [of Education], or the Director's designee;
- 8 (vii) One member of the Senate of Maryland, appointed by the
9 President of the Senate; and
- 10 (viii) One member of the House of Delegates, appointed by the Speaker
11 of the House;
- 12 (2) The following members representing other organizations and entities:
- 13 (i) One member of the Maryland Council on Advancement of
14 School-Based Health Centers, appointed by the Chair of the Council;
- 15 (ii) One county superintendent of schools, designated by the Public
16 School Superintendents Association of Maryland;
- 17 (iii) One member of a county board of education, designated by the
18 Maryland Association of Boards of Education;
- 19 (iv) One teacher who is teaching in the State, designated by the
20 Maryland State Education Association;
- 21 (v) One social worker practicing at a school in the State, designated
22 by the Maryland Chapter of the National Association of Social Workers;
- 23 (vi) One psychologist practicing in a school in the State, designated
24 by the Maryland School Psychologists Association;
- 25 (vii) One representative of nonprofit hospitals, designated by the
26 Maryland Hospital Association;
- 27 (viii) One member of the Commission, designated by the Chair of the
28 Commission; [and]
- 29 (ix) One representative of the Maryland Medical Assistance
30 Program, designated by the Secretary of Health; AND

1 (X) ONE SCHOOL COUNSELOR CERTIFIED BY THE
 2 DEPARTMENT UNDER TITLE 6, SUBTITLE 7 OF THIS ARTICLE, DESIGNATED BY THE
 3 MARYLAND SCHOOL COUNSELOR ASSOCIATION;

4 (3) The following members appointed by the Governor:

5 (i) One representative of the behavioral health community with
 6 expertise in telehealth;

7 (ii) One representative of local departments of social services; and

8 (iii) One representative of local departments of health; and

9 (4) The following members appointed jointly by the President of the Senate
 10 and the Speaker of the House:

11 (i) One individual with expertise in creating a positive classroom
 12 environment;

13 (ii) One individual with expertise in equity in education; and

14 (iii) Two members of the public.

15 (e) (1) This subsection applies only to the members appointed under
 16 subsection (d)(2), (3), and (4) of this section.

17 (2) A member serves for a term of 4 years beginning on the date of the
 18 member's appointment and until a successor is appointed and qualifies.

19 (3) A member may not serve for more than two consecutive terms.

20 (4) The terms of the members are staggered as required by the terms of the
 21 members serving on the Consortium on July 1, [2022] 2023.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the term of the initial school
 23 counselor member of the Maryland Consortium on Coordinated Community Supports,
 24 designated under § 7-447.1(d)(2)(x) of the Education Article, as enacted by Section 1 of this
 25 Act, shall expire in 2026.

26 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
 27 measure, is necessary for the immediate preservation of the public health or safety, has
 28 been passed by a yea and nay vote supported by three-fifths of all the members elected to
 29 each of the two Houses of the General Assembly, and shall take effect from the date it is
 30 enacted.