

# SENATE BILL 913

F5, O4

EMERGENCY BILL

3lr3024  
CF HB 770

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By: **Senator Guzzone**

Introduced and read first time: February 15, 2023

Assigned to: Rules

Re-referred to: Education, Energy, and the Environment, February 24, 2023

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2023

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

1 AN ACT concerning

2 ~~Publicly Funded Full-Day Prekindergarten Program – Tier I Child – Alteration~~  
3 ~~of Definition~~  
4 Education – Community Eligibility Provision Schools and Prekindergarten  
5 Enrollment and Funding – Alterations

6 FOR the purpose of ~~altering the definition of a “Tier I child” who may be enrolled beginning~~  
7 ~~in a certain school year to a full-day prekindergarten program, to include children~~  
8 ~~with a disability, children who are homeless youths, and children who are from~~  
9 ~~homes in which English is not the primary spoken language; exempting certain~~  
10 ~~schools from the requirement to collect a certain eligibility form if the school is in a~~  
11 ~~local school system in which all schools participate in the community eligibility~~  
12 ~~provision; altering the definition of “prekindergarten enrollment”, beginning in a~~  
13 ~~certain school year, to include certain Tier II children for certain funding purposes;~~  
14 ~~altering the categories of certain Tier II children who are given priority for the~~  
15 ~~expansion of prekindergarten slots; altering the categories of children who may be~~  
16 ~~enrolled in a full-day prekindergarten program beginning in a certain school year;~~  
17 ~~and generally relating to publicly funded full-day prekindergarten community~~  
18 ~~eligibility provision schools and prekindergarten enrollment and funding.~~

19 BY repealing and reenacting, without amendments,

20 Article – Education

21 Section ~~5-229(a)~~ 5-229(b) through (d), 7-1A-01(a), 7-1A-03, and 7-1A-08

22 Annotated Code of Maryland

23 (2022 Replacement Volume)

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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.



1 BY repealing and reenacting, with amendments,  
2 Article – Education  
3 Section ~~5–222(c), 5–229(a), 7–1A–01(i), 7–1A–04(a),~~ and 7–1A–06  
4 Annotated Code of Maryland  
5 (2022 Replacement Volume)

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

8 **Article – Education**

9 5–222.

10 (c) (1) **THIS SUBSECTION DOES NOT APPLY TO SCHOOLS IN A LOCAL**  
11 **SCHOOL SYSTEM THAT OPTED INTO THE UNITED STATES DEPARTMENT OF**  
12 **AGRICULTURE COMMUNITY ELIGIBILITY PROVISIONS FOR ALL SCHOOLS IN THE**  
13 **LOCAL SCHOOL SYSTEM.**

14 (2) By school year 2022–2023, the State alternative income eligibility form  
15 shall be collected by each school that is participating in the United States Department of  
16 Agriculture community eligibility provision and may be collected by all other schools.

17 [(2)] (3) The State alternative income eligibility form shall be developed  
18 by the Department and shall include a statement indicating that the income information  
19 requested on the form is used to determine local and State funding for education.

20 5–229.

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

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

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

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

28 (5) “Per pupil amount” means:

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

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

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

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

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

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

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

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

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

9 (6) “Prekindergarten enrollment” means:

10 (i) Beginning in fiscal year 2023, the number of Tier I children AND  
11 TIER II CHILDREN WHO ARE A PRIORITY UNDER § 7-1A-06(D) OF THIS ARTICLE  
12 enrolled with an eligible prekindergarten provider; and

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

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

17 (i) Multiply the per pupil amount by the county’s prekindergarten  
18 enrollment;

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) The State shall distribute the State share to each county board;  
12 and

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

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

17 (i) The State shall distribute the State share for private providers  
18 to the Department;

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

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

23 7–1A–01.

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

25 (i) “Tier I child” means a child:

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

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

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

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

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

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

5 7-1A-03.

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

8                   (1) Beginning in the 2022-2023 school year, prekindergarten slots  
9 provided by eligible private providers shall account for at least 30% of the total  
10 prekindergarten slots provided by eligible prekindergarten providers in each county;

11                   (2) The proportion of eligible private provider prekindergarten slots in each  
12 county increases by 5 percentage points every school year, until, in the 2026-2027 school  
13 year, eligible private provider prekindergarten slots account for at least 50% of eligible  
14 prekindergarten provider prekindergarten slots in each county; and

15                   (3) In each year after the 2026-2027 school year, the proportion of eligible  
16 private provider prekindergarten slots in each county shall continue to constitute at least  
17 50% of eligible prekindergarten provider prekindergarten slots in each county.

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

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

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

24                   (2) The Department may exclude by annual waiver Tier I children who are  
25 3 years old in a county from the calculation under subsection (a) of this section until the  
26 2029-2030 school year.

27                   (3) The Department may exclude by annual waiver Tier I children who are  
28 4 years old in a county from the calculation under subsection (a) of this section until the  
29 2026-2027 school year.

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

32 ~~7-1A-04.~~

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

4           ~~(1) Beginning in the 2025-2026 school year:~~

5                   ~~(i) High staff qualifications, including teachers who, at a minimum,~~  
 6 ~~held:~~

7                           ~~1. State certification for teaching in early childhood~~  
 8 ~~education; or~~

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

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

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

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

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

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

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

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

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

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

25                   ~~(i) Are aligned with State Early Learning and Development~~  
 26 ~~Standards;~~

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

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

29                           ~~1. Developmentally appropriate; and~~

~~2. Culturally and linguistically responsive;~~

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

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

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

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

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

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

7-1A-06.

(a) Beginning in the 2022-2023 school year, Tier I children who are 3 or 4 years old **AND CHILDREN WHO ARE A PRIORITY UNDER SUBSECTION (D) OF THIS SECTION** may be enrolled in a full-day prekindergarten program under this subtitle.

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

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

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

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

~~(1) Tier I children;~~

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

~~(3) Homeless youth; and~~

1           ~~(4)~~ Children from homes in which English is not the primary spoken  
2 language~~].~~

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

5 7-1A-08.

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

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

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

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

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

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

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

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

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

27           (ii) Tier I children; and

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

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



Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.