

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 525

(Delegate Guyton, *et al.*)

Ways and Means

Education, Energy, and the Environment

Outdoor Preschool License Pilot Program - Establishment

This bill establishes an Outdoor Preschool License Pilot Program, administered by the Maryland State Department of Education (MSDE). The purpose of the pilot program is to license outdoor, nature-based early learning and child care programs in order to (1) expand access to affordable, high-quality early learning and child care programs and (2) investigate the benefits of outdoor, nature-based classrooms. The pilot program must begin by August 31, 2024, and continue for four school years. Generally, MSDE must select between 5 and 10 program participants in the first year. The bill specifies prioritization criteria for selection of participants and requires MSDE to select for approval all qualifying applicants if the department receives fewer than five applications. MSDE must convene an advisory group to inform and support implementation of the program and must submit specified reports. By August 31, 2023, MSDE must begin to promulgate regulations necessary to launch the pilot program. MSDE must also adopt rules and regulations for the licensure and operation of outdoor, nature-based early learning and child care programs, as specified. **The bill takes effect July 1, 2023, and terminates June 30, 2028.**

Fiscal Summary

State Effect: MSDE can use existing resources to implement the pilot program and comply with related requirements. Revenues are not affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The regulations adopted by MSDE must include provisions on a variety of items, as specified, including those that address sheltering during inclement weather, correct child-to-staff ratios for the outdoor setting, accommodations for children with disabilities, and access to potable drinking water, among others. In adopting the required rules and regulations, MSDE may adapt existing child care licensing requirements to allow for the operation of the pilot program. In adopting the required rules and regulations, MSDE must consult with stakeholders that have relevant expertise, as specified.

By December 1 of 2025 and 2026, MSDE must submit interim reports to the Governor and the General Assembly on the implementation of the program, including:

- information on the number of participating providers and the number of children and families served by the program;
- the number of participating providers who enrolled in the Maryland EXCELS Program;
- the number of children in the pilot program who participated in the Child Care Scholarship Program; and
- the number of children in the pilot program served by the Infant and Early Childhood Mental Health Support Services Program.

By December 1, 2027, MSDE must submit a final report on the findings of the program, including recommendations for continuing, modifying, or expanding the pilot program.

Current Law: Generally, a person must be licensed by MSDE before operating a child care center; religious organizations meeting specified requirements may instead operate under a letter of compliance. “Child care center” means an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation. The State Board of Education (SBE) must adopt regulations relating to the licensing and operation of child care centers.

Family child care is the care given to a child younger than age 13 or to any developmentally disabled person younger than age 21, in place of parental care for less than 24 hours per day, in a residence other than the child’s residence, for which the child care provider is paid. A family child care home is a residence in which family child care is provided for up to 8 children. A large family child care home is a residence in which family child care is provided for at least 9 children, but not more than 12 children. MSDE is responsible for registering family child care homes and large family child care homes. SBE must adopt

regulations relating to the registration of family child care homes and large family child care homes.

Small Business Effect: The bill has a potentially meaningful benefit to child care programs participating in the pilot program, particularly to the extent that MSDE adapts existing licensing requirements to allow for the pilot program's operation, as authorized by the bill.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 376 of 2022.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2023
km/jkb Third Reader - March 20, 2023
Revised - Amendment(s) - March 20, 2023

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