

# HOUSE BILL 902

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By: **Delegates Ghrist, Edelson, Harris, Smith, Solomon, and Wolek**

Introduced and read first time: February 2, 2024

Assigned to: Appropriations

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Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2024

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

1 AN ACT concerning

2 **Prekindergarten – Ulysses Currie Head Start Program – Eligibility for State**  
3 **Funds**

4 FOR the purpose of authorizing a provider in the Ulysses Currie Head Start Program to  
5 receive certain State funds under certain circumstances; exempting providers in the  
6 Program from certain State requirements for eligible prekindergarten providers; and  
7 generally relating to the Ulysses Currie Head Start Program.

8 BY repealing and reenacting, with amendments,  
9 Article – Education  
10 Section 5–231 and 7–1A–04  
11 Annotated Code of Maryland  
12 (2022 Replacement Volume and 2023 Supplement)

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

15 **Article – Education**

16 5–231.

17 (a) The Head Start Program in the State shall be referred to as the Ulysses Currie  
18 Head Start Program.

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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 (b) For each fiscal year, the Governor shall include in the annual State budget an  
2 appropriation of at least \$3,000,000 for the Ulysses Currie Head Start Program.

3 (c) **A PROVIDER IN THE ULYSSES CURRIE HEAD START PROGRAM IS**  
4 **ELIGIBLE TO RECEIVE FULL STATE FUNDS UNDER § 5-229 OF THIS SUBTITLE EVEN**  
5 **IF THE PROGRAM RECEIVES FEDERAL FUNDS.**

6 7-1A-04.

7 (a) (1) Except as provided in [paragraph] **PARAGRAPHS (2) AND (3)** of this  
8 subsection, all eligible prekindergarten providers shall include structural elements that are  
9 evidence-based and nationally recognized as important for ensuring program quality,  
10 including:

11 (i) Beginning in the 2027-2028 school year:

12 1. High staff qualifications, including teachers who, at a  
13 minimum, hold:

14 A. State certification for teaching in early childhood  
15 education; or

16 B. A bachelor's degree in any field and are pursuing  
17 residency through the Maryland Approved Alternative Preparation Program, which  
18 includes early childhood coursework, clinical practice, and evidence of pedagogical content  
19 knowledge; and

20 2. Teaching assistants who have at least:

21 A. A Child Development Associate (CDA) certificate; or

22 B. An associate's degree;

23 (ii) Professional development for all staff;

24 (iii) A student-to-classroom personnel ratio of no more than 10 to 1  
25 in each class;

26 (iv) Class sizes of no more than 20 students per classroom;

27 (v) A full-day prekindergarten program;

28 (vi) Inclusion of students with disabilities to ensure access to and full  
29 participation in all program opportunities;

30 (vii) For at least 1 year before a student's enrollment in kindergarten,  
31 learning environments that:

- 1  
2 Standards;
- 3 1. Are aligned with State Early Learning and Development
  - 4 2. Use evidence-based curricula; and
  - 5 3. Use instruction methods that are:
    - 6 A. Developmentally appropriate; and
    - 7 B. Culturally and linguistically responsive;
  - 8 (viii) Individualized accommodations and supports for all students;
  - 9 (ix) Instructional staff salaries and benefits that are comparable to  
10 the salaries and benefits of instructional staff employed by the county board of the county  
in which the early learning program is located;
  - 11 (x) Program evaluation to ensure continuous program improvement;
  - 12 (xi) On-site or accessible comprehensive services for students;
  - 13 (xii) Community partnerships that promote access to comprehensive  
14 services for families of students; and
  - 15 (xiii) Evidence-based health and safety standards.
- 16 (2) An eligible prekindergarten provider that is a Montessori school or  
17 Montessori program shall include all of the structural elements listed in paragraph (1) of  
18 this subsection except the following:
- 19 (i) For staff qualifications, the eligible prekindergarten provider  
20 shall employ teachers who:
    - 21 1. Hold a bachelor's degree in any field; and
    - 22 2. Hold a Montessori credential issued by:
      - 23 A. The Association Montessori Internationale;
      - 24 B. The American Montessori Society; or
      - 25 C. A program accredited by the Montessori Accreditation  
26 Council for Teacher Education; and
  - 27 (ii) For the student-to-classroom personnel ratio, the  
28 prekindergarten provider shall maintain a student-to-classroom personnel ratio of:

1                   1.     No more than 10 to 1, with a maximum of 20 students per  
2 classroom if all of the students are under the age of 5 years; and

3                   2.     No more than 14 to 1, with a maximum of 28 students per  
4 classroom if some of the students are at least 5 years old.

5                   **(3) FOR AN ELIGIBLE PREKINDERGARTEN PROVIDER IN THE**  
6 **ULYSSES CURRIE HEAD START PROGRAM UNDER § 5-231 OF THIS ARTICLE, IF A**  
7 **STRUCTURAL ELEMENT LISTED IN PARAGRAPH (1) OF THIS SUBSECTION CONFLICTS**  
8 **WITH A FEDERAL REQUIREMENT FOR THE ULYSSES CURRIE HEAD START**  
9 **PROGRAM, A PREKINDERGARTEN PROVIDER IN THE ULYSSES CURRIE HEAD START**  
10 **PROGRAM SHALL FOLLOW THE FEDERAL REQUIREMENTS AND IS EXEMPT FROM THE**  
11 **CONFLICTING STRUCTURAL ELEMENT.**

12               (b)     In addition to the requirements listed in subsection (a) of this section, an  
13 eligible prekindergarten provider shall:

14                   (1)     If the provider is an eligible private provider, achieve a quality rating  
15 level of 3 in the Maryland EXCELS program and publish that quality rating in a publicly  
16 available manner, determined by the Department;

17                   (2)     If the provider is an eligible public provider, achieve a quality rating  
18 level of 4 in the Maryland EXCELS program and publish that quality rating in a publicly  
19 available manner, determined by the Department;

20                   (3)     Submit to the Department a plan to achieve a quality rating level 5 in  
21 the Maryland EXCELS program within 5 years after becoming an eligible prekindergarten  
22 provider;

23                   (4)     Achieve in accordance with the plan a quality rating level 5 in the  
24 Maryland EXCELS program within 5 years after becoming an eligible prekindergarten  
25 provider and publish that quality rating in a publicly available manner, determined by the  
26 Department; and

27                   (5)     Except as otherwise provided in § 7-1A-07 of this subtitle, be open for  
28 pupil attendance in accordance with § 7-103 of this title.

29               (c)     (1)     An eligible prekindergarten provider may not engage in explicitly  
30 religious activities during school hours.

31                   (2)     If an eligible prekindergarten provider engages in an explicitly religious  
32 activity, the activity shall be:

33                   (i)     Separate in time and location from any instruction offered by the  
34 eligible prekindergarten provider; and

1 (ii) Voluntary.

2 (3) (i) An eligible prekindergarten provider shall make reasonable  
3 efforts to make the areas where prekindergarten children spend time during school hours  
4 as nonsectarian as possible.

5 (ii) An eligible prekindergarten provider may not be required to  
6 adopt any rule, regulation, or policy that conflicts with its religious or moral teachings.

7 (4) (i) An eligible prekindergarten provider shall comply with Title VI  
8 of the Civil Rights Act of 1964, as amended, Title 20, Subtitle 6 of the State Government  
9 Article, and not discriminate in student admissions, retention, or expulsion or otherwise  
10 discriminate against any student or parent of a student on the basis of race, color, national  
11 origin, disability, sexual orientation, or gender identity or expression.

12 (ii) If a student has a disability, placement of the student shall be  
13 based on where the student will be best served.

14 (iii) An eligible prekindergarten provider found to have violated the  
15 nondiscrimination requirements under this section:

16 1. May not continue to be an eligible prekindergarten  
17 provider; and

18 2. Shall reimburse the Department all public funds provided  
19 under this subtitle minus any amount received from the child care scholarship program.

20 (5) Except as provided in § 7–305.1 of this title, an eligible prekindergarten  
21 provider may not suspend or expel a child who is enrolled in a prekindergarten program.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
23 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.