

HOUSE BILL 1385

F5

4lr3101

By: **Delegate Feldmark**

Introduced and read first time: February 9, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Early Childhood Education – Prekindergarten Providers – Resident and**
3 **Conditional Teaching Certificates**

4 FOR the purpose of requiring the State Department of Education to establish a resident
5 early childhood teaching certificate and a conditional early childhood teaching
6 certificate for teachers who meet certain criteria in eligible publicly funded
7 prekindergarten programs; and generally relating to resident teacher and
8 conditional teaching certificates for prekindergarten providers.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–1A–04
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2023 Supplement)

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

16 **Article – Education**

17 7–1A–04.

18 (a) (1) Except as provided in paragraph (2) of this subsection, all eligible
19 prekindergarten providers shall include structural elements that are evidence–based and
20 nationally recognized as important for ensuring program quality, including:

21 (i) **[Beginning] SUBJECT TO SUBSECTION (C) OF THIS SECTION,**
22 **BEGINNING** in the 2027–2028 school year:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1
2 minimum, hold:
- 3
4 education; or
- 5
6 residency through the Maryland Approved Alternative Preparation Program, which
7 includes early childhood coursework, clinical practice, and evidence of pedagogical content
8 knowledge; and
- 9
10
11
12
13
14 in each class;
- 15
16
17
18 participation in all program opportunities;
- 19
20 learning environments that:
- 21
22 Standards;
- 23
24
25
26
27
1. High staff qualifications, including teachers who, at a
A. State certification for teaching in early childhood
B. A bachelor's degree in any field and are pursuing
residency through the Maryland Approved Alternative Preparation Program, which
includes early childhood coursework, clinical practice, and evidence of pedagogical content
knowledge; and
 2. Teaching assistants who have at least:
 - A. A Child Development Associate (CDA) certificate; or
 - B. An associate's degree;
 - (ii) Professional development for all staff;
 - (iii) A student-to-classroom personnel ratio of no more than 10 to 1
 - (iv) Class sizes of no more than 20 students per classroom;
 - (v) A full-day prekindergarten program;
 - (vi) Inclusion of students with disabilities to ensure access to and full
 - (vii) For at least 1 year before a student's enrollment in kindergarten,
 1. Are aligned with State Early Learning and Development
Standards;
 2. Use evidence-based curricula; and
 3. Use instruction methods that are:
 - A. Developmentally appropriate; and
 - B. Culturally and linguistically responsive;
 - (viii) Individualized accommodations and supports for all students;

1 (ix) Instructional staff salaries and benefits that are comparable to
2 the salaries and benefits of instructional staff employed by the county board of the county
3 in which the early learning program is located;

4 (x) Program evaluation to ensure continuous program improvement;

5 (xi) On-site or accessible comprehensive services for students;

6 (xii) Community partnerships that promote access to comprehensive
7 services for families of students; and

8 (xiii) Evidence-based health and safety standards.

9 (2) An eligible prekindergarten provider that is a Montessori school or
10 Montessori program shall include all of the structural elements listed in paragraph (1) of
11 this subsection except the following:

12 (i) For staff qualifications, the eligible prekindergarten provider
13 shall employ teachers who:

14 1. Hold a bachelor's degree in any field; and

15 2. Hold a Montessori credential issued by:

16 A. The Association Montessori Internationale;

17 B. The American Montessori Society; or

18 C. A program accredited by the Montessori Accreditation
19 Council for Teacher Education; and

20 (ii) For the student-to-classroom personnel ratio, the
21 prekindergarten provider shall maintain a student-to-classroom personnel ratio of:

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

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

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

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

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

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

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

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

13 **(C) (1) THE DEPARTMENT SHALL ESTABLISH A RESIDENT EARLY**
14 **CHILDHOOD TEACHING CERTIFICATE FOR AN INDIVIDUAL WHO IS BEGINNING A**
15 **CAREER IN EARLY CHILDHOOD EDUCATION.**

16 **(2) THE DEPARTMENT SHALL ESTABLISH A CONDITIONAL EARLY**
17 **CHILDHOOD TEACHING CERTIFICATE FOR AN INDIVIDUAL APPLYING TO WORK IN AN**
18 **ELIGIBLE PREKINDERGARTEN PROGRAM THAT IS UNABLE TO FILL AN OPEN**
19 **TEACHING POSITION WITH A TEACHER WHO MEETS THE STANDARD**
20 **QUALIFICATIONS.**

21 **(3) CERTIFICATES ISSUED UNDER THIS SUBSECTION SHALL BE:**

22 **(I) VALID FOR A LIMITED PERIOD OF TIME DETERMINED BY**
23 **THE DEPARTMENT; AND**

24 **(II) QUALIFYING FOR EMPLOYMENT AS A TEACHER AT BOTH**
25 **PUBLIC AND PRIVATE ELIGIBLE PREKINDERGARTEN PROVIDERS.**

26 **(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT**
27 **THIS SUBSECTION.**

28 **[(c)] (D) (1) An eligible prekindergarten provider may not engage in**
29 **explicitly religious activities during school hours.**

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

32 **(i) Separate in time and location from any instruction offered by the**
33 **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.