

## Chapter 209

**(House Bill 902)**

AN ACT concerning

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

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

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

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

**Article – Education**

5–231.

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

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

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

7–1A–04.

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

(i) Beginning in the 2027–2028 school year:

- minimum, hold:
1. High staff qualifications, including teachers who, at a minimum, hold:
    - A. State certification for teaching in early childhood education; or
    - 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;
- in each class;
- (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 participation in all program opportunities;
  - (vii) For at least 1 year before a student's enrollment in kindergarten, learning environments that:
    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;

(ix) 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;

(x) Program evaluation to ensure continuous program improvement;

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

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

(xiii) Evidence-based health and safety standards.

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

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

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

2. Hold a Montessori credential issued by:

A. The Association Montessori Internationale;

B. The American Montessori Society; or

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

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

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

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

**(3) FOR AN ELIGIBLE PREKINDERGARTEN PROVIDER IN THE ULYSSES CURRIE HEAD START PROGRAM UNDER § 5-231 OF THIS ARTICLE, IF A STRUCTURAL ELEMENT LISTED IN PARAGRAPH (1) OF THIS SUBSECTION CONFLICTS WITH A FEDERAL REQUIREMENT FOR THE ULYSSES CURRIE HEAD START PROGRAM, A PREKINDERGARTEN PROVIDER IN THE ULYSSES CURRIE HEAD START**

**PROGRAM SHALL FOLLOW THE FEDERAL REQUIREMENTS AND IS EXEMPT FROM THE CONFLICTING STRUCTURAL ELEMENT.**

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

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

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

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

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

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

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

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

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

(ii) Voluntary.

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

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

(4) (i) An eligible prekindergarten provider shall comply with Title VI of the Civil Rights Act of 1964, as amended, Title 20, Subtitle 6 of the State Government

Article, and not discriminate in student admissions, retention, or expulsion or otherwise discriminate against any student or parent of a student on the basis of race, color, national origin, disability, sexual orientation, or gender identity or expression.

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

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

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

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

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

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

**Approved by the Governor, April 25, 2024.**