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State Superintendent of Schools

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**TO:** Members of the Maryland State Board of Education

**FROM:** Nancy S. Grasmick *Nancy*

**DATE:** March 22, 2011

**SUBJECT:** COMAR 13A.06.02.01-.05 (AMENDMENTS)  
Prekindergarten Programs  
PERMISSION TO PUBLISH

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**PURPOSE:**

To seek permission to publish amendments to COMAR regulations applying to all public prekindergarten programs for 4 year-old children administered by local boards of education or qualified vendors (ATTACHMENT 1). The proposed regulations have no economic impact.

**BACKGROUND:**

In 1978, the Maryland State Board of Education issued a resolution (No.1978-17) to establish the Extended Elementary Education (EEEP) for four-year old children in order to provide prekindergarten to children with a "high potential for school failure." The State Board instructed the State Superintendent of Schools to place the program in the FY80 budget, which was affirmed by the Maryland General Assembly. Title1/Chapter1 schools were eligible for EEEP prekindergarten sites, and all four-year old children living in the attendance area of these schools were eligible to be enrolled in the program. The programmatic requirements for this program were established in the form of EEEP Program Assurances.

In 1999, the Maryland State Board of Education adopted COMAR regulations, which included provisions for eligibility and programmatic requirements.

In 2004, the Maryland State Board of Education adopted COMAR regulations. These revised regulations included changes in the prekindergarten program in order to meet Bridge to Excellence in Public Schools Act requirements that local schools systems ensure that publicly funded prekindergarten programs are available to all eligible students within their jurisdictions by the 2007-2008 school year.

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In 2010, the Maryland State Department of Education (MSDE) convened a workgroup comprised of early childhood stakeholders to revise COMAR regulations to address the expansion of prekindergarten, and the provision of the 2007 *Task Force on Universal Prekindergarten* recommendations for Preschool for All. The workgroup included representation from MSDE, local school systems, Head Start, child care and other stakeholder groups. (ATTACHMENT 2)

In the proposed Prekindergarten regulations amendments the following changes were made:

- Allows for the inclusion of three-year-old children in public prekindergarten programs;
- Requires local school systems to provide prekindergarten programs that will accommodate the needs of all income eligible families seeking a placement for a four-year-old child;
- Refined and expanded section .02: Definitions, .03 Eligibility, and .04: Site Selection
- Clarified section .05 Requirements for Local School Systems; and
- Added to section .05 Requirements for Qualified Vendors and for Maryland State Department of Education (MSDE).

**SUMMARY:**

The Department requests permission to publish proposed regulations for COMAR 13A.06.02.01-.05. The proposed regulations address the expansion of prekindergarten and the recommendations of the 2007 *Task Force on Universal Prekindergarten*.

**ACTION:**

Request permission to publish using the following timeline:

|  |                  |
|--|------------------|
| Maryland Register Issue Date:          | May 20, 2011     |
| 30 Day Open Comment Period Ends:       | June 20, 2011    |
| Hearing:                               | N/A              |
| Adoption:                              | July 19-20, 2011 |
| Publication of Notice of Final Action: | July 29, 2011    |
| Effective Date of Regulations:         | August 8, 2011   |

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 06 SUPPORTING PROGRAMS

### Chapter 02 Prekindergarten Programs

**Authority: Education Article §2-205 (c) and (g) and 7-101.1 (a)(3), Annotated Code of Maryland**

#### **.01 Scope and Purpose.**

A. This chapter applies to all publicly funded prekindergarten programs for all eligible 4-year-old children, as defined at Education Article, §7-101.1(a)(3), Annotated Code of Maryland, administered by local boards of education or qualified vendors [with the overall goal of providing learning experiences to help children develop and maintain school readiness skills necessary for successful school performance].

[B. From the 2003 – 2004 school year through the 2006 – 2007 school year, enrollment shall be based upon the availability of prekindergarten sites established by the local board of education. Beginning in 2007 – 2008, local boards of education shall have completed expansion of prekindergarten programs in order to accommodate all eligible 4-year-old children seeking enrollment.]

**B. The overall goal of the prekindergarten program is to provide learning experiences to help children develop and maintain school readiness skills necessary for successful school performance.**

**C. Local boards of education shall provide prekindergarten programs to accommodate all eligible 4-year-old children seeking enrollment in public school programs.**

#### **.02 Definitions**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined

**(1) “Accredited” means meets standards of high quality set for the by the Department’s Early Childhood Accreditation Program Standards or by an accrediting organization recognized by the Department.**

[(1)] (2) **“Bridge to Excellence Master Plan” means the comprehensive master plan required by Education Article, §5-401, Annotated Code of Maryland.**

(3) **“Department” means the Maryland State Department of Education.**

(4) **“CDA” means the Child Development Associate Certificate.**

[(2)] (5) **“Economically disadvantaged background” means a family whose income would make a child eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture if the child were in kindergarten.**

[(3)] (6) **“Eligibility” means students that meet the criteria for enrollment into prekindergarten as stated in COMAR 13A.06.02.03A.**

[(3)] (7) **“Head Start” means a federally sponsored preschool program for children 3 years old to 5 years old from low income families that is licensed by Child Care Administration or administered by local boards of education.**

(8) **“Homeless student” means a child or youth who lacks a fixed, regular, or adequate nighttime place of residence as defined in COMAR 13A.05.09.02.**

(9) **“Maryland Common Core State Curriculum” means measurable statements of what students should know and be able to do within a content area as defined and approved for prekindergarten by the Department in collaboration with local school systems.**

(10) **“Prekindergarten” means a publicly funded program for all eligible 4-year-olds focusing on social/emotional, physical, and cognitive development as described in the Maryland Common Core Curriculum.**

[(4)] (11) **“Qualified vendor” means a State or nationally accredited child care [center] program or [a] an approved nonpublic school [approved by the Maryland State Department of Education to provide prekindergarten program services.] that:**

**(a) Is partnering with a local school system through a memorandum of agreement;**  
**and**

**(b) Meets the requirements of Regulation .05 of this chapter.**

(12) **“School readiness” means the stage of early development that enables an individual child to engage in and benefit from early learning experiences. As a result of family nurturing and interactions with others, a young child in this stage has reached certain levels of social and emotional development, cognition and general knowledge, language development, and physical well-being and motor development. School readiness acknowledges individual approaches toward learning as well as the unique experiences and backgrounds of each child.**

[(5) "State Content Standards" means measurable statements of what students should know and be able to do within a content area as defined in the Voluntary State Curriculum for Prekindergarten-Grade 8 developed by the Maryland State Department of Education in collaboration with local school systems.]

### **.03 Student Eligibility**

A. A local school system shall enroll in prekindergarten all 4-year-old applicants who are from families with economically disadvantaged backgrounds or who are homeless.

B. For vacancies remaining after compliance with §A of this regulation, **and in accordance with locally developed criteria**, a local school system may enroll 4-year-old applicants [who are not from families with economically disadvantaged backgrounds but who represent a student population that exhibits a lack of readiness in personal and social development, language and literacy, mathematical thinking, scientific thinking, social studies, the arts, or physical development and health.] **who do not meet eligibility criteria set forth at §A of this regulation.**

#### **C. Prekindergarten Programs for 3-Year-Old Children.**

**(1) A local school system or qualified vendor may establish a prekindergarten program enrolling 3-year-old applicants whose birth date is on or after September 1 of the enrollment year and who are from economically disadvantaged or homeless families, and in accordance with locally developed criteria.**

**(2) A prekindergarten program for 3-year-old children shall meet the requirements of Regulation .05 of this chapter.**

### **.04 Prekindergarten Site Selection.**

A. [Each] A local school system shall develop a facilities plan identifying appropriate sites to ensure that a publicly funded prekindergarten program is available to all eligible **4-year-old** children in its jurisdiction [by 2007 – 2008].

B. The facilities plan may include local school system **Memorandums of Agreement** with qualified vendors and Head Start to provide prekindergarten program services that meet the local school system responsibilities in accordance with Regulation.05 of this chapter.

### **.05 Local School System, Qualified Vendor and Department Responsibilities**

**A.** A local school system shall:

[A.](1) Develop and maintain a policy for determining the eligibility and selection of prekindergarten sites as well as the eligibility of 4-year-old students for prekindergarten programs consistent with the requirements of this chapter;

**(2) Develop criteria in reference to Regulation .03B and C of this chapter that establishes procedures to include children in the prekindergarten program who are not eligible under Regulation .03A of this chapter;**

[B.](3) Operate the prekindergarten educational program 5 days per week for a minimum of 2.5 hours per day consistent with the school calendar approved by the local board;

[C.](4) Analyze the Department-approved kindergarten assessment system information described in COMAR 13A.08.01.02-3 to evaluate the effectiveness of the prekindergarten program[.]; **and make necessary adjustments to the prekindergarten instructional program;**

[D.](5) Provide data in the Bridge to Excellence Master Plan needs assessment to indicate progress on prekindergarten program goals;

[E.](6) Provide staffing for each [classroom] session of prekindergarten to include [an early childhood] a teacher who possesses a [valid] current State professional certificate in early childhood education and a para-professional with a minimum of a high school diploma, or its equivalent, or a CDA. [assigned full-time for the half day program];

[F.](7) Align each prekindergarten program with the [State Content Standards for prekindergarten] Maryland Common Core State Curriculum;

[G.](8) Based on the September 30 enrollment count, maintain an average staff to student ratio of 1:10 with an average of 20 students per classroom[.]; **and**

**(9) Provide responses to Department requests for information and data related to the operation of the prekindergarten program.**

**B. A qualified vendor shall:**

**(1) Maintain State or national early childhood program accreditation;**

**(2) Have the capacity to meet the responsibilities identified in this regulation;**

**(3) Be licensed to operate a child care center pursuant to COMAR 13A.16; and**

**(4) Provide responses to Department requests for information and data related to the operation of the prekindergarten program.**

**C. The Department shall:**

**(1) Approve and monitor local school systems for compliance with Regulations .03–.05 of this chapter; and**

**(2) Collect and monitor local school system responses to Department requests for information and data regarding compliance with §§A and B of this regulation.**

DRAFT

**Prekindergarten Regulations Workgroup  
September 2010  
Attachment 2**

**Chair: Ms. Janet Wilson**  
Assistant Superintendent of Instruction  
Allegany County Public Schools

**Co-Chair: Ms. Valerie Kaufmann**  
Chief, Early Learning Branch  
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Development

**Dr. Kevin Maxwell**  
Superintendent  
Anne Arundel Co. Public Schools

**Ms. Kathleen Wick (representing Dr. Maxwell)**  
Coordinator  
Early Childhood Programs  
Anne Arundel Co. Public Schools

**Ms. Valerie Ashton-Thomas,**  
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Even Start Family Literacy & HIPPIY  
Coordinator  
MSDE

**Ms. Diane Bonanni**  
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**Ms. Stacy Burch, President**  
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Acting Executive Director  
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**Ms. Sara Spross**  
Chief, Non-Public Schools Approval  
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**Ms. Bebe Verdery**  
Director  
Education Reform Project  
ACLU-MD



**Prekindergarten Regulations Workgroup  
September 2010  
Attachment 2**

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