

Chapter 779

**(House Bill 525)**

AN ACT concerning

**Outdoor Preschool License Pilot Program – Establishment**

FOR the purpose of establishing the Outdoor Preschool License Pilot Program in the State Department of Education; and generally relating to the establishment of the Outdoor Preschool License Pilot Program.

BY adding to

Article – Education

Section 9.5–1101 through ~~9.5–1106~~ 9.5–1104 to be under the new subtitle “Subtitle 11. Outdoor Preschool License Pilot Program”

Annotated Code of Maryland

(2022 Replacement Volume)

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

**Article – Education**

**SUBTITLE 11. OUTDOOR PRESCHOOL LICENSE PILOT PROGRAM.**

**9.5–1101.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “OUTDOOR, NATURE–BASED EARLY LEARNING AND CHILD CARE PROGRAM” MEANS AN EARLY LEARNING OR CHILD CARE PROGRAM:

(1) THAT IS PRIMARILY OPERATED OUTDOORS; AND

(2) IN WHICH CHILDREN ARE ENROLLED ON A REGULAR BASIS FOR 3 OR MORE HOURS PER DAY.

(C) “PILOT PROGRAM” MEANS THE OUTDOOR PRESCHOOL LICENSE PILOT PROGRAM.

**9.5–1102.**

(A) (1) THERE IS AN OUTDOOR PRESCHOOL LICENSE PILOT PROGRAM.

(2) THE DEPARTMENT SHALL ADMINISTER THE PILOT PROGRAM.

(3) THE DEPARTMENT ~~MAY~~ SHALL CONVENE AN ADVISORY GROUP OF OUTDOOR, NATURE-BASED EARLY LEARNING PRACTITIONERS TO INFORM AND SUPPORT THE IMPLEMENTATION OF THE PILOT PROGRAM.

(4) THE ADVISORY GROUP SHALL INCLUDE REPRESENTATIVES FROM THE OUTDOOR PRESCHOOL LICENSING ADVISORY TEAM ESTABLISHED BY THE EASTERN REGION ASSOCIATION OF FOREST AND NATURE SCHOOLS AND OTHER STAKEHOLDERS WITH EXPERTISE IN OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE.

(B) 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.

9.5-1103.

(A) (1) ON OR BEFORE AUGUST 31, 2023, THE DEPARTMENT SHALL BEGIN TO PROMULGATE REGULATIONS NECESSARY TO COMPLY WITH § 9.5-1102(A) AND (B) OF THIS SUBTITLE.

(2) THE PILOT PROGRAM SHALL BEGIN ON OR BEFORE AUGUST 31, ~~2023~~ 2024, AND SHALL CONTINUE FOR ~~3~~ 4 SCHOOL YEARS.

~~(2)~~ (3) THE EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE DEPARTMENT SHALL SELECT BETWEEN 5 AND 10 OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE PROGRAMS TO PARTICIPATE IN THE PILOT PROGRAM DURING THE FIRST YEAR OF THE PILOT PROGRAM.

~~(3) BEGINNING AUGUST 31, 2024, THE DEPARTMENT MAY SELECT ADDITIONAL OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE PROGRAMS TO PARTICIPATE IN THE PILOT PROGRAM.~~

(4) IF THE DEPARTMENT RECEIVES FEWER THAN 5 APPLICATIONS THAT MEET THE RULES AND REGULATIONS FOR LICENSURE AND OPERATION OF OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE PROGRAMS UNDER

SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL SELECT FOR APPROVAL ALL APPLICANTS THAT QUALIFY.

(B) WHEN SELECTING AND APPROVING OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE PROGRAMS TO PARTICIPATE IN THE PILOT PROGRAM, THE DEPARTMENT:

(1) SHALL GIVE PRIORITY TO ~~EXISTING~~:

(I) EXISTING OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE PROGRAMS THAT ARE LICENSED AS CAMPS BY THE MARYLAND DEPARTMENT OF HEALTH; AND

(II) EXISTING LICENSED CHILD CARE CENTERS OR REGISTERED FAMILY CHILD CARE HOMES THAT PARTICIPATE IN THE MARYLAND EXCELS PROGRAM AND ARE SEEKING TO EXPAND INTO NATURE-BASED EARLY LEARNING;

(2) SHALL, TO THE EXTENT PRACTICABLE, SELECT A MIX OF RURAL, URBAN, AND SUBURBAN PROGRAMS; AND

(3) MAY GIVE PRIORITY TO:

(I) AREAS WHERE THERE ARE FEW OR LIMITED LICENSED EARLY CHILD CARE PROGRAMS; AND

(II) AREAS OF NEED WHERE LICENSED EARLY CHILD CARE PROGRAMS ARE AT OR NEAR FULL CAPACITY, AND WHERE ACCESS MAY BE RESTRICTED BY ENROLLMENT WAITLISTS.

(C) (1) THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS FOR THE LICENSURE AND OPERATION OF OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE PROGRAMS.

(2) THE REGULATIONS SHALL INCLUDE PROVISIONS FOR:

(I) BATHROOM USE AND DIAPER CHANGING;

(II) HAND WASHING;

(III) SHELTERING DURING INCLEMENT WEATHER;

(IV) CORRECT CHILD-TO-STAFF RATIOS FOR THE OUTDOOR SETTING;

- (V) THE SAFE STORAGE OF AND READY ACCESS TO MEDICATION;
- (VI) ACCOMMODATIONS FOR CHILDREN WITH DISABILITIES;
- (VII) THE SAFE STORAGE AND PREPARATION OF FOOD;
- (VIII) ESTABLISHING SAFE BOUNDARIES IN UNENCLOSED OUTDOOR SPACES AND BOUNDARIES AROUND HAZARDS;
- (IX) PROPER OUTDOOR CLOTHING FOR CHILDREN;
- (X) ACCESS TO POTABLE DRINKING WATER; AND
- (XI) APPROPRIATE SLEEPING AREAS FOR NAPS.

(3) IN ADOPTING RULES AND REGULATIONS UNDER THIS SUBSECTION, THE DEPARTMENT MAY ADAPT EXISTING CHILD CARE LICENSING REQUIREMENTS TO ALLOW FOR THE OPERATION OF THE PILOT PROGRAM.

(4) IN ADOPTING RULES AND REGULATIONS UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH STAKEHOLDERS THAT HAVE EXPERTISE IN PROVIDING OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE, INCLUDING REPRESENTATIVES FROM THE OUTDOOR PRESCHOOL LICENSING ADVISORY TEAM ESTABLISHED BY THE EASTERN REGION ASSOCIATION OF FOREST AND NATURE SCHOOLS.

9.5-1104.

~~THE DEPARTMENT MAY ADAPT THE MARYLAND EXCELS PROGRAM AS NECESSARY FOR USE IN ASSESSING THE QUALITY OF OUTDOOR, NATURE-BASED EARLY LEARNING AND CHILD CARE PROGRAMS.~~

~~9.5-1105.~~

(A) ON OR BEFORE DECEMBER 1 OF ~~2023~~ 2025 AND ~~2024~~ 2026, THE DEPARTMENT SHALL SUBMIT INTERIM REPORTS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE IMPLEMENTATION OF THE PILOT PROGRAM, INCLUDING:

(1) THE NUMBER OF PARTICIPATING PROVIDERS IN THE PILOT PROGRAM; ~~AND~~

**(2) THE NUMBER OF CHILDREN AND FAMILIES BEING SERVED BY THE PILOT PROGRAM;**

**(3) THE NUMBER OF PARTICIPATING PROVIDERS WHO ENROLLED IN THE MARYLAND EXCELS PROGRAM;**

**(4) THE NUMBER OF CHILDREN IN THE PILOT PROGRAM WHO PARTICIPATED IN THE CHILD CARE SCHOLARSHIP PROGRAM; AND**

**(5) THE NUMBER OF CHILDREN IN THE PILOT PROGRAM SERVED BY THE INFANT AND EARLY CHILDHOOD MENTAL HEALTH SUPPORT SERVICES PROGRAM.**

**(B) ON OR BEFORE DECEMBER 1, ~~2025~~ 2027, THE DEPARTMENT SHALL SUBMIT A FINAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE FINDINGS OF THE PILOT PROGRAM, INCLUDING:**

**~~(1) A DISCUSSION OF POTENTIAL OPTIONS TO MITIGATE THE UNCERTAINTY FOR FAMILIES AND PARTICIPATING PROVIDERS DURING THE FINAL 6 MONTHS OF THE PILOT PROGRAM; AND~~**

**(2) ~~RECOMMENDATIONS~~ RECOMMENDATIONS FOR CONTINUING, MODIFYING, OR EXPANDING THE PILOT PROGRAM.**

**~~9.5-1106.~~**

**~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE IN CONSULTATION WITH:~~**

**~~(1) THE OUTDOOR PRESCHOOL LICENSING ADVISORY TEAM; AND~~**

**~~(2) ANY OTHER STAKEHOLDERS THE DEPARTMENT CONSIDERS NECESSARY.~~**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023. It shall remain effective for a period of ~~3~~ 5 years ~~and 6 months~~ and, at the end of ~~December 31, 2026~~ June 30, 2028, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

**Approved by the Governor, May 16, 2023.**