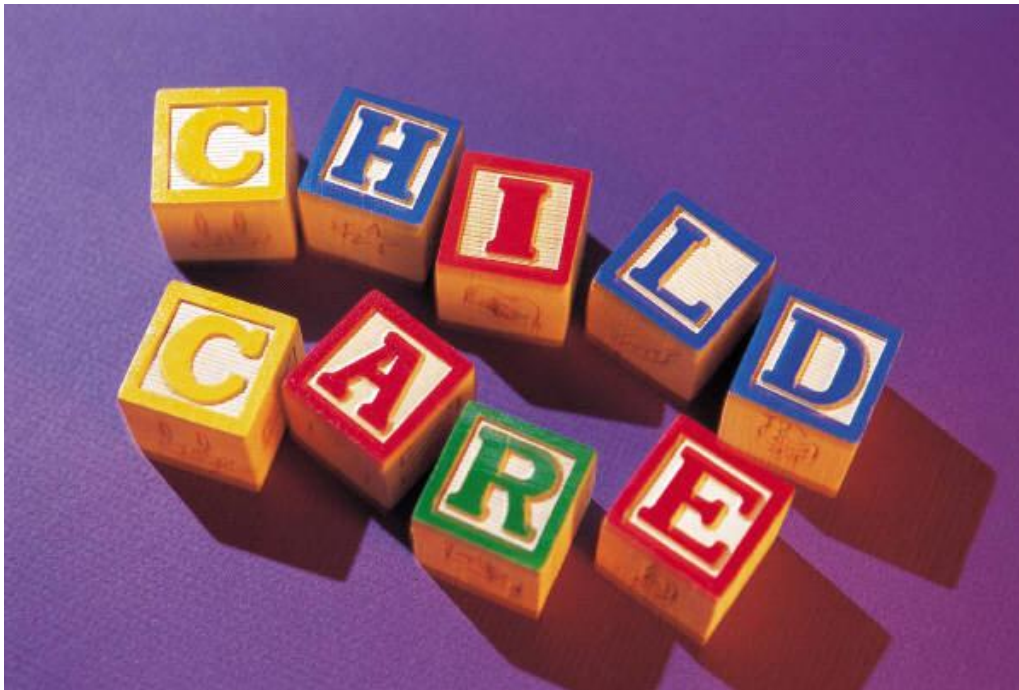


# Application Packet and Instructions to Operate a Nonpublic Nursery School

Maryland State Department of Education  
Division of Early Childhood Development  
Office of Child Care

## Resource Guide



2015

Amended

## TABLE OF CONTENTS

Background and Purpose.....	3
Legal Requirements Related to the Application Process .....	4
Consolidated License .....	8
Steps in the Application Process .....	9
Preparing the Application Form .....	10
Completing the Application Form .....	12
Initial Onsite Monitoring Visit.....	14
Denial of Application .....	15
Procedures and Sanctions for Noncompliance .....	16
Suspension or Revocation of a Child Care License Or Letter of Compliance .....	17
Appendix A - COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools	
Appendix B - Application to Operate an Educational Program in a Nonpublic Nursery School	
Appendix C - Personnel Record Form	
Appendix D - Child Care Center Inspection Report Form	
Appendix E - Independent Agencies Authorized to Evaluate Foreign Credentials	

## **BACKGROUND AND PURPOSE**

### **BACKGROUND**

Effective July 1, 2007, regulatory jurisdiction over nonpublic nursery school education programs was transferred from COMAR 13A.09.09 *Educational Programs in Nonpublic Schools* to COMAR 13A.16.16 *Educational Programs in Nonpublic Nursery Schools*, which is administered by the Division of Early Childhood Development. (*The Nonpublic School Approval Branch continues to administer COMAR 13A.09.09*) Under the regulatory transfer, the Division of Early Childhood Development, Office of Child Care has direct responsibility for the oversight and enforcement of all COMAR 13A.16.16 requirements.

### **PURPOSE**

The purpose of this document is to provide step-by-step instructions for completing an Application for approval to operate an educational program in a nonpublic nursery school in Maryland.

## **LEGAL REQUIREMENTS RELATED TO THE APPLICATION PROCESS**

### Education Article, §2-206 Annotated Code of Maryland

This law requires a nonpublic school or institution that offers a nursery school, kindergarten, elementary school, and/or secondary school educational program to hold a Certificate of Approval from the State Board of Education before it begins to operate, unless the school is operated by a bona fide church organization and is registered with the Maryland State Department of Education as a church-exempt school.

### Education Article §2-206.1 Nonpublic School Employees – Criminal Convictions

This law prohibits all nonpublic schools from hiring or retaining employees whom the school knows have been convicted of certain crimes.

### Family Law §5-551 Facilities Requiring Criminal History Records Check

This law requires certain facilities including nonpublic schools to have all employees and employers (owner, operator, legal authority) apply for a national and State criminal history records check at any designated law enforcement office in this State.

### Education Article §9,5-405 License Required; Compliance with Rules and Regulations

This law requires any person to be licensed by the Department before operating and child care center in Maryland except (1) the instructional program, curriculum, or teacher, principal, or administrator qualifications of a nursery school or a child care center that is operated by a religious organization that is exempt from taxation under §501(c)(3) of the Internal Revenue Code in a school

building exclusively for children who are enrolled in that school; (2) a nonpublic nursery school operated by a tax exempt religious organization that has been issued a certificate of approval by the State Department of Education; (3) a nonpublic nursery school operated by a tax exempt religious organization that has been issued a letter of compliance by the Department; or (4) a program that is operated by a tax exempt religious organization while the organization is conducting a religious service, business meeting, or other religious organization function in the organization's building and which program is exclusively for children where parents are attending the service or meeting.

This law also requires a before and after school child care program operated in a school building to meet local fire, health, and zoning codes required of school buildings, and a program that is operated by tax exempt religious organizations while the organization is conducting a religious function in the organization's building and which program is exclusively for children where parents are attending the religious function shall comply with all applicable State and local fire, building, and zoning laws.

#### Education Article §9.5-414 Child Abuse and Neglect Clearances for Employees of Child Care Centers

This law requires each employee of a licensed child care center to apply to the Department, on or before the first day of actual employment, for a child abuse and neglect clearance. This law authorized the Department to prohibit the operator of a child care center that is required to be licensed from employing an individual who has received certain criminal convictions or has been identified as responsible for child abuse or neglect.

#### Family Law §5-704 Child Abuse and Neglect Reporting

This law requires any educator, acting in a professional capacity, who has reason to believe that a child has been subjected to abuse or neglect, to report that suspicion to local authorities.

### COMAR 13A.09.01 Use of names

These regulations prohibit an individual, partnership, group, association, cooperative, or corporation from using the words “preschool,” “school,” “institute,” or “academy” or words of like meaning, in such a manner as to connote the offering of a high school, junior high or middle school, elementary school, kindergarten, nursery school program, or any combination thereof, unless the entity holds a Certificate of Approval from the State Board of Education.

### COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools

These regulations establish requirements for approval to operate an educational program in a nonpublic nursery school. The approval process requires the applicant to demonstrate initial compliance with COMAR 13A.16.16 as the condition for approval to operate an educational program. Certain individuals or entities may operate an educational program in a nonpublic nursery school only if they hold a valid child care center license or letter of compliance issued by the Department. These regulations and the regulations for Child Care Centers and Letters of Compliance may be found at:

[www.marylandpublicschools.org/MSDE/divisions/child\\_care/licensing\\_branch/regulat](http://www.marylandpublicschools.org/MSDE/divisions/child_care/licensing_branch/regulat)

### COMAR 13A.16 Child Care Center Licensing

These regulations govern nonparental care of children for part of a 24-hour day not in the child’s own home, in a group setting such as a child care center, preschool, child development center, nursery school, before-school and after-school program, school age child care, or early learning center, by whatever name known, under private nonprofit, proprietary, public, and religious auspices.

## COMAR 13A.17 Letter of Compliance

These regulations govern nonparental care of children for a part of a 24-hour day in nursery schools operated by tax-exempt religious organizations which do not have certificates of approval from the Maryland State Board of Education under Education Article, §2-206, Annotate Code of Maryland, and child care programs operated by tax-exempt religious organizations in school buildings exclusively for children who are enrolled in those schools, by whatever name known.

## Notice of Transfer of Approved Nonpublic Nursery Schools (July 1, 2007)

This document serves as notice of transfer of approval authority for nonpublic nursery schools. On July 1, 2007, the State Board of Education designated the Office of Child Care, within the Division of Early Childhood Development, as the administrative unit responsible for all matters related to the regulation and approval of nonpublic nursery school programs. In addition, this document serves as confirmation that a Certificate of Approval issued prior to July 1, 2007 for the operation of a nonpublic nursery school educational program, continues to be in full force and effect under its current operating status with all of its rights and obligations under applicable laws and regulations. If a change is requested to the existing Certificate of Approval, the program must comply with all new requirements under COMAR 13A.16.16, Educational Programs in Nonpublic Nursery Schools.

## CONSOLIDATED LICENSE

All nonpublic nursery school educational programs approved July 1, 2007 and thereafter will receive a Child Development Program License that consolidates approvals to operate a child care center, an educational program in a nursery school, and notes accreditation on one document. Approval, accreditation, and certification are sometimes used interchangeably. However, each word has a separate and distinct meaning.

### **Approval . . .**

is the term used for a nonpublic school that holds a Certificate of Approval issued by the Maryland State Board of Education (Grades K-12) or is approved by the Office of Child Care (Nursery Schools). “Approved” nonpublic schools and nonpublic nursery school educational programs have met the requirements established in COMAR 13A.09.09 (Grades K-12) or COMAR 13A.16.16 (Educational Programs in Nonpublic Nursery Schools).

### **Accreditation . . .**

is the term used to describe the voluntary process designed to improve the quality of an educational program. Accreditation systems require an educational program to meet standards that exceed minimum State regulatory requirements. Achieving accreditation involves extensive self-study and validation by professionals outside the program to verify that quality standards are met.

### **Certification . . .**

is the term used to describe the issuance of a certificate or document to an individual verifying that specific academic or professional standards have been met. A teaching Certificate is not required for teachers in nonpublic schools approved under COMAR 13A.09.09 or nonpublic nursery school educational programs approved under COMAR 13A.16.16. Individual nonpublic schools, however, may require a valid teaching certificate as a condition of employment.



## STEPS IN THE APPLICATION PROCESS

Approval for a Nursery School (ages 2, 3 and/or 4) may be granted anytime during the year. The Applicant must have a Child Care Center License or a Letter of Compliance to be considered for approval to operate an educational program in a nonpublic nursery school except an applicant that is a tax exempt religious organization. Applications are secured from the Office of Child Care's (OCC) Regional Office responsible for regulatory activity in the jurisdiction where the facility location is planned.

- Step 1. The Applicant completes the Application form and secures and develops required documentation in accordance with the specific directions provided in this document. Only a complete application packet including required documentation will be accepted for review.
- Step 2. The Applicant submits a complete Application Packet to the appropriate OCC Regional Office.
- Step 3. The OCC Licensing Specialist reviews the Application Packet for compliance with COMAR 13A.16.16 and communicates with the Applicant regarding the Application as necessary.
- Step 4. The Applicant submits revised and/or additional documentation as requested by the Licensing Specialist on a specified due date.
- Step 5. When the Licensing Specialist determines that the Application materials demonstrate compliance with COMAR 13A.16.16, an onsite monitoring visit is scheduled to verify compliance. This visit shall be determined in accordance with the planned opening date of the educational program as stated in the application.
- Step 6. When the Application documentation and the onsite monitoring visit result in findings of compliance, a recommendation is made to the Regional Manager for issuance of a Consolidated License noting approval for a nonpublic nursery school.

## PREPARING THE APPLICATION PACKET

1. Read the enclosed governing regulations; COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools in their entirety before completing the application.
2. Review the enclosed Application to Operate an Education Program in a Nonpublic Nursery School.
3. Immediately secure official college transcripts for the Educational Program Administrator and each teacher. The college transcripts must indicate that, at a minimum, the individual holds a bachelor's degree from an Institution of Higher Education (IHE) as defined in COMAR 13A.16.16; or that the individual holds 120 semester hours of college credit from an IHE.

For Educational Program Administrators or teachers who hold a degree from a foreign education institution, an evaluation of the foreign credential is required. A list of independent agencies authorized to evaluate foreign credentials that are designated by the Maryland State Department of Education (Department) is enclosed.

Although not required, a copy of a Maryland Teacher Certificate may be submitted for a teacher in lieu of official college transcripts.

The transcript(s) and other supporting documentation (grade slips, teaching certificates, foreign transcript evaluations) for the Educational Program Administrator and each teacher in the educational program must be submitted with a completed "Personnel Record" form for that individual. The form is included in this application packet. The form may be duplicated as needed.

4. \*Contact the appropriate health, fire safety, and zoning authorities (see list enclosed in packet) to notify them of your intention to operate a nonpublic nursery school educational program and to request appropriate approvals. Be certain to specify the ages of the children planned for your educational program.

5. Complete and submit each item, requested in the application, in the format that is proposed to be used and distributed by the school. It is advisable to delay duplicating, printing, or distributing any materials that are a part of the Application packet until it is determined that the Application is in compliance with COMAR 13A.16.16.
  
6. With the exception of written health, fire safety and zoning approvals, only complete Applications, with all required supporting documentation, will be accepted. \*Written health, fire safety and zoning approvals may be submitted separately. It is advisable to retain a copy of the Application form and all supporting documentation that is submitted for approval.

\*In a licensed child care center or a letter of compliance facility, the health, fire safety, and zoning requirements in COMAR 13A.16.16 may be met by complying with pertinent health, fire safety, and zoning requirements set forth under COMAR 13A.16 Child Care Center License or COMAR 13A.17 Letter of Compliance as applicable. Licensing regulations may be found at:

[www.marylandpublicschools.org/MSDE/divisions/child\\_care/licensing\\_branch/regulat](http://www.marylandpublicschools.org/MSDE/divisions/child_care/licensing_branch/regulat)

## COMPLETING THE APPLICATION FORM

### **SECTION I – Nursery School Information**

**Name** - Print or type the complete name of the nonpublic school as it should appear on the consolidated license. Be sure that the name appears on the Application form exactly as the school will be known and referenced in all documentation and public relations materials such as school stationery, brochures, newsletters, admissions packets, signs, advertisements, etc. It is essential that capital letters, lowercase letters, punctuation marks, abbreviations, spacing, etc. be indicated in the exact format that will be used by the school.

**Location** - Indicate the specific location for the operation of the nonpublic nursery school. For locations in Baltimore City, indicate “Baltimore City” on the line designated for the name of the city. The county or Baltimore City designation is very important because the official school number will be based on the school’s county of location or Baltimore City.

**Mailing Address** - Indicate the address to which correspondence should be mailed. Include the extended 4 digit zipcode.

**Phone Number, Fax Number, and E-mail Address** – Indicate the area code along with the nonpublic school’s telephone. Also indicate the school’s fax number and e-mail address.

**Legal Authority** – Indicate the name and address of the nonpublic entity registered as active with the Maryland Department of Assessments and Taxation that is responsible for governing and operating the school. Indicate the name, title and phone number of the chief officer of the entity.

When completing this item, ensure that the name of the Legal Authority is written exactly as it appears on the official legal document that is registered with the Maryland Department of Assessments and Taxation.

A copy of the Articles of Incorporation evidencing registration as active with the Maryland Department of Assessments and Taxation must be submitted with the Application form.

If the Legal Authority was incorporated outside of Maryland, the legal authority must contact the Maryland Department of Assessments and Taxation (410) 767-1340 to register as a foreign corporation conducting business in Maryland.

**Note:** The name of the Legal Authority and the name of the school may be different. The word “Inc.” or “LLC” may be included in the name of the Legal Authority but is usually not included in the name of the school.

**SECTION II – Educational Program Administrator** – Indicate the name and official title of the person who will be responsible for the day to day administration and management of the nonpublic nursery school educational program. Also indicate phone number where the Educational Program Administrator can be reached if different from the school.

**SECTION III – Authority to Operate - A Child Care Center License or Letter of Compliance** is needed in order to get approval to operate an educational program in a nonpublic nursery school. Check the appropriate box and provide the number of the Child Care Center License or Letter of Compliance.

**SECTION IV – Ages** – Indicate the number of classes for each age group in which children will be enrolled.

**SECTION V – DOCUMENTS** – submit all required documents as outlined in this section with the exception of the written curriculum. The Licensing Specialist will review the curriculum with the Administrator during the initial onsite monitoring visit.

**SECTION VI – Certification** - The Chief Officer of the nonpublic nursery school’s Legal Authority must sign the Application form. This signature verifies that the information provided in the application and in the attachments is true and correct.

## **INITIAL ONSITE MONITORING VISIT**

When the Regional Office determines that the Application and supporting documents indicate compliance with COMAR 13A.16.16, the Licensing Specialist will schedule an initial onsite monitoring visit to the school. The Educational Program Administrator of the school must be present during the initial onsite monitoring visit. The purpose of this visit is to make a determination regarding onsite compliance with COMAR 13A.16.16 using the Supplemental Inspection Report form enclosed with this packet.

During the visit, the Educational Program Administrator must provide the Licensing Specialist with an overview of the educational program (including the curriculum), a tour of the facility in which the educational program will be implemented, and an explanation of how written documents will be given to parents and legal guardians as required by the regulations.

Evidence of compliance with each item on the Application form must be available at the school during the initial onsite monitoring visit in order to determine compliance with the regulations.

Instructional materials and equipment available onsite must correspond to the list submitted with the Application packet. If certain materials have been ordered but have not been received, evidence of payment and the anticipated delivery of those materials must be available at the time of the visit.

The Licensing Specialist will return the Personnel Record forms and transcripts to the Educational Program Administrator of the school at the time of the initial onsite monitoring visit. These documents, along with all other written documentation required by the regulations, must be maintained at the school.

When the onsite monitoring results in findings of compliance with the regulations, a recommendation is made to the Regional Manager that approval be given to the Legal Authority to operate the nonpublic nursery school educational program. Approval must be given before the educational program begins to operate.

## **DENIAL OF APPLICATION**

If the State Board of Education through The Division of Early Childhood Development's Office of Child Care determines that the Applicant does not meet the conditions or standards necessary for approval, the State Board of Education shall give the institution written notice of the specific deficiencies as set forth in Education Article §2-206(f) *Notice of Deficiencies; hearing-*

If the State Board believes that the education institution that applies for approval does not meet the conditions or standards necessary for the issuance of the certificate, it shall give the institution written notice of the specific deficiencies.

Within 20 days of receipt of a notice of deficiencies, the institution may request a hearing before the Board, and within 60 days of receipt of the request, the Board shall hold a hearing to determine if the certificate of approval should be issued.

If, within 6 months from the date on which the application for approval was submitted to the Office of Child Care, the institution has received neither approval nor written notice of deficiencies as outlined above, it may request, within 20 days, a hearing before the Board to determine if approval should be granted.

## **PROCEDURES AND SANCTIONS FOR NONCOMPLIANCE**

The State Board through The Division of Early Childhood Development's Office of Child Care, may move to sanction an educational program for noncompliance with COMAR 13A.16.16 requirements, as set forth in Education Article §2-206(g)-(h).

### **Sanctions**

Once a nonpublic nursery school educational program has been identified by the Office of Child Care as demonstrating serious, uncorrected areas(s) of noncompliance or repeated inability and/or willingness to comply with applicable regulations, the Office shall implement intensive efforts to enforce corrective action(s) for compliance with the regulations.

#### ***Order to Correct Deficiencies***

If such efforts fail, the Office of Child Care shall recommend that the State Superintendent of Schools issue an ***order to correct deficiencies*** to the Legal Authority responsible for governing and operating the nonpublic nursery school educational program. The notice shall specify the alleged deficiencies and direct the Legal Authority to correct them within a period of not less than 30 days as set by the Department. If the Legal Authority requests a hearing within 20 days of the notice, the Department shall hold a hearing to determine the matter. The order to correct deficiencies shall be stayed until a determination is made after the hearing.

#### ***Order to End Operations***

This order shall be followed by an **order to cease operating** the nonpublic educational program if the Legal Authority does not correct the deficiencies pursuant to Maryland Annotated Code, Education Article §2-206. The order takes effect 15 days after it is issued unless the operator files for judicial review of the Department's determination. The Legal Authority's right to judicial review is fully set forth under Maryland's Administrative Procedures Act, State Government Article §10-222.



## **SUSPENSION OR REVOCATION OF A CHILD CARE LICENSE OR LETTER OF COMPLIANCE**

If the Office of Child Care initiates suspension or revocation of the child care license or letter of compliance of a nursery school that contains an approved educational program, the operator may appeal the action before the Office of Administrative Hearings (OAH).

An educational program located in a nursery school that is required to have a license or letter of compliance is prohibited from operating if that license or letter of compliance is suspended or revoked.

Even though approval to operate the educational program is automatically affected if the license enforcement action is upheld, an operator does not have a separate appeal right before the State Board for continued operation of the educational program once the license enforcement action is upheld.

## COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools

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

A. Purpose. This chapter establishes requirements for approval to operate an educational program in a nonpublic nursery school.

B. Scope. This chapter does not apply to an educational program in a nonpublic nursery school operated by:

(1) The federal government or any State, county, or municipal agency or division of these; or

(2) A bona fide church organization that is exempt from holding a certificate of approval by the State Board under Education Article, §2-206, Annotated Code of Maryland.

### **.02 Definitions.**

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

B. Terms Defined.

(1) "AMI" means Association Montessori International.

(2) "AMS" means American Montessori Society.

(3) "Certificate of approval" means the document issued by the State Board to the legal authority responsible for governing and operating a school if the school has met the requirements of this chapter.

(4) "Child care center license" means the document issued by the Department pursuant to COMAR 13A.16 that authorizes the recipient to operate a child care center.

(5) "Class" means a group of students scheduled to report regularly to a teacher at a particular time and place for the implementation of an educational program.

(6) "Department" means the State Department of Education.

(7) "Department representative" means an individual designated by the Department to determine compliance with this chapter.

(8) "Educational program" means an organized program of instruction that:

(a) Is provided by a teacher; and

(b) Meets the requirements of Regulation .07 of this chapter.

(9) "Institution of higher education (IHE)" means a college or university that is accredited by an accrediting commission of one of the regional associations of colleges and schools.

(10) "Letter of compliance" means a document issued by the Department pursuant to COMAR 13A.17 that authorizes the recipient to operate a letter of compliance facility.

(11) "MACTE" means Montessori Accreditation Council for Teacher Education.

(12) "NAMTA" means North American Montessori Teachers' Association. (13)

"Nursery school" means an educational program for children who are 2 years old, 3 years old, 4 years old, or any consecutive sequence of these ages.

(14) "Office" means the central office or a regional office of the Department's Division of Early Childhood Development, Office of Child Care.

(15) "Operator" means:

(a) The nonpublic entity registered as active with the State Department of Assessments and Taxation that is responsible for governing and operating a school;

(b) The individual or entity to which a child care center license or a letter of compliance has been issued by the Department; or

(c) A bona fide church organization that is approved by the State Board to operate an educational program.

(16) "State Board" means the Maryland State Board of Education.

(17) "Teacher" means an individual who:

- (a) Provides instruction to children enrolled in an educational program; and
- (b) Meets the requirements of Regulation .06B of this chapter.

**.03 Approval to Operate an Educational Program — General Requirements.**

A. An individual or entity may operate an educational program in a nonpublic nursery school only if the individual or entity holds a valid child care license or letter of compliance issued by the Department.

B. A bona fide church organization may be approved to operate an educational program without holding a child care center license or a letter of compliance.

C. An entity may operate a Montessori school only if it is certified by a Montessori validating organization.

D. The operator of a licensed small center may not be approved to operate an educational program if:

- (1) The small center is located in a private residence; and
- (2) The program would be operated in the living space of the residence.

E. Unless an operator chooses to cease operating an educational program, approval to operate the program, once granted, shall continue as long as the:

- (1) Operator's child care center license or letter of compliance, as applicable and if required, remains in effect;
- (2) Educational program is operated according to the terms under which approval to operate was granted; and
- (3) Operator remains in full compliance with all applicable requirements of this chapter.

F. Approval to operate an educational program in a nonpublic nursery school becomes void if the nonpublic nursery school's approval is suspended or revoked, or the child care center license or letter of compliance, as applicable, is suspended or revoked and the operator:

- (1) Does not appeal the suspension or revocation action; or
- (2) Appeals the suspension or revocation action and the action is upheld through the administrative hearing process or notice of deficiencies hearing before the State Board in accordance with Education Article, §2-206, Annotated Code of Maryland.

G. An operator that has ceased operating an educational program subject to the requirements of this chapter shall promptly return to the office the child care center license, letter of compliance, or other approval document, as applicable, that certifies approval to operate the educational program.

H. Any educational program that is solely educational that is approved prior to the effective date of this regulation shall continue to operate under its current certificate of approval in accordance with this chapter.

**.04 Approval to Operate an Educational Program — Specific Requirements.**

A. Application for Approval.

(1) Application for approval shall be made in a manner and form and according to timelines established by the office.

(2) The applicant shall submit all information that the office considers necessary in order to ascertain compliance with the requirements of this chapter.

(3) An operator approved to operate an educational program may not apply for approval to operate another educational program if the educational program for which the operator is currently approved is not in full compliance with all applicable requirements of this chapter.

(4) An application for licensure as a Montessori school may not be approved until the applicant has successfully completed the process of validation, as required at COMAR 13A.09.09.03N, by an approved Montessori validating organization.

B. When the office is satisfied that the requirements of this chapter have been met, the office shall issue to the applicant a child care center license, letter of compliance, or other approval document, as applicable, that certifies approval to operate an educational program.

C. The child care center license, letter of compliance, or other approval document, as applicable, shall specify the terms under which approval to operate an educational program has been granted, including the:

(1) Hours, days, and months of approved operation; and

(2) Ages of children who may be enrolled in the program.

D. If the operator intends to change the terms under which approval has been granted, the operator shall:

(1) Notify the office in writing at least 60 days before the occurrence of any change or changes; and

(2) Furnish any information the office considers necessary to approve the change or changes planned by the operator.

E. An operator may not seek approval of a change in the terms of the approval under any one or combination of the following circumstances:

(1) The educational program demonstrates an area or areas of noncompliance;

(2) The office has received and is investigating a complaint alleging that the educational program is in violation of one or more regulations under this chapter;

(3) The office is implementing a sanction or an enforcement action against the child care center license, the letter of compliance, or other approval document, as applicable, pursuant to COMAR 13A.15 or COMAR 13A.16; or

(4) A deficiency hearing is pending before the State Board in accordance with Education Article, §2-206, Annotated Code of Maryland.

F. Notwithstanding the requirement established in §E of this regulation, an operator may seek approval of a change in the terms of the approval if approval of the change is the means for the operator to demonstrate compliance with this chapter.

G. An operator may not implement a change in the terms of approval until the office has issued a revised child care center license, letter of compliance, or other approval document, as applicable, that reflects the change.

H. An operator shall inform the office in writing at least 30 days before the operator ceases operating an educational program.

#### **.05 Compliance and Inspections.**

A. Continued approval to operate an educational program is conditioned on the operator's maintaining compliance with this chapter.

B. To evaluate compliance with this chapter, the office may inspect the educational program, with or without prior notice to the operator, at any time during the approved hours of operation of the program.

C. During an inspection, the operator shall permit the Department representative access to any activity, person, material, document, or other information or source of information connected with the educational program that is considered necessary by the Department representative for the purpose of the inspection.

D. Following each inspection of the educational program, the office shall provide the operator with a written report of all findings of the inspection.

E. If the educational program fails to demonstrate compliance with the requirements of this chapter, the office shall notify the operator in writing of the:

- (1) Regulation or regulations with which the program does not demonstrate compliance;
- (2) Fact or facts that demonstrate the program's noncompliance with each regulation;
- (3) Action or actions the operator is required to take to demonstrate compliance with each regulation; and
- (4) Date by which the program is required to demonstrate compliance with each regulation.

F. Sanctions.

(1) Failure to maintain compliance with applicable requirements of this chapter may result in a sanction by the office, including restriction, suspension, or revocation of the approval to operate the educational program.

(2) Sanctions may be severable against an educational program located in a licensed child care center or a letter of compliance facility.

**.06 Personnel Qualifications.**

A. Educational Program Administrator.

(1) The operator shall have an educational program administrator or director who is responsible for the day-today administration of the educational program.

(2) An individual hired as the educational program administrator at a minimum shall meet the standards established in §B(3) of this regulation.

(3) The operator shall have a written position description that states the duties and responsibilities of the educational program administrator.

(4) The educational program administrator shall have sufficient time during each educational program day to carry out the duties and responsibilities stated in the written position description of the educational program administrator.

B. Director in an Approved Montessori School.

(1) To qualify as a director in an approved Montessori school, an individual shall hold a Montessori credential that has been awarded by:

(a) AMI, AMS, or NAMTA; or

(b) A Montessori teacher education program that is accredited by MACTE.

(2) To qualify as a director in a Montessori school that has been approved by the Department, an individual shall complete approved continued training, at the rate of at least 12 clock hours per full year of employment, that consists of a minimum of 6 clock hours of Montessori education training.

C. Teachers.

(1) An educational program shall have a teacher to implement the educational program in each class.

(2) A teacher, regardless of whether the employment status of the teacher is full-time, part-time, paid, volunteer, or substitute, shall meet the requirements of §B(3) of this regulation.

(3) A teacher who provides instruction in language and literacy development, mathematical and scientific thinking, or social studies shall hold or have completed:

(a) A bachelor's degree from an IHE;

(b) 120 semester hours of college credit from an IHE; or

(c) A foreign credential that is determined by the Department to be equivalent to a bachelor's degree from an IHE.

(4) A teacher employed in a Montessori program shall hold a Montessori diploma or credential for the level of the individual's assignment that has been awarded by:

(a) AMI, AMS, or NAMTA; or

(b) A Montessori teacher education program that is accredited by MACTE.

(5) If the degree, college credit, or foreign credential required at §B(3) of this regulation does not include at least 6 semester hours of approved early childhood coursework, the teacher shall, in addition:

(a) Hold or have completed:

(i) The Child Development Associate Credential issued by the Child Development Associate National Credentialing Program; or

(ii) 6 semester hours, 90 clock hours or their equivalent of approved pre-service training; or

(b) Be certified by the Department as a teacher for early childhood in nursery through third grade.

(6) An individual approved as a teacher by the Department before July 1, 2010, shall remain qualified for that position as long as the individual is continuously employed as a teacher.

(7) Effective July 1, 2010, a teacher in an educational program shall complete at least 12 clock hours of approved continued training per full year of employment, measured from date of hire, in that position.

(8) A teacher in an approved Montessori school shall complete approved continued training, at the rate of at least 12 clock hours per full year of employment, that consists of a minimum of 6 clock hours of Montessori education training.

D. An individual who provides assistance to a teacher in a class is not required to meet the requirements of §B(3) or (7) of this regulation.

E. Written Statement of Teacher Qualifications. An operator shall:

(1) Maintain a written statement of the qualifications of each teacher who implements the educational program; and

(2) On request by a parent or legal guardian of a child enrolled, or being considered for enrollment, in the educational program, give to the parent or legal guardian a written statement of the qualifications of each teacher who implements the educational program.

#### **.07 Educational Program.**

A. Program. The operator shall implement and maintain at the nonpublic nursery school a written curriculum of the nonpublic nursery school's educational program for the development of skills for each approved nursery school age in the following areas:

- (1) Personal and social development;
- (2) Language and literacy development;
- (3) Mathematical and scientific thinking;
- (4) Social studies;
- (5) The arts; and
- (6) Physical development and health.

B. Instructional Materials and Equipment. The operator shall own and maintain the nonpublic nursery school instructional materials and equipment required to implement the written curriculum of the educational program specified in §A of this regulation.

#### **.08 Child Records.**

A. The operator of an educational program in a nonpublic nursery school shall maintain a cumulative record for each child enrolled in the educational program.

B. Each child's record shall include the:

- (1) Nonpublic nursery school's name;
- (2) Nonpublic nursery school's address;
- (3) Nonpublic nursery school's telephone number;
- (4) Child's first, middle, and last names;
- (5) Child's month, day, and year of birth;
- (6) Child's home address;

(7) Month, day, and year the child initially entered the educational program;  
(8) Age on enrollment in the educational program;  
(9) Month, day, and year the child withdrew from the educational program, if applicable;

(10) Child's performance information in each curricular area;

(11) Code for the meaning of performance information; and

(12) Number of days the child attended in each school year.

C. In a licensed child care center or a letter of compliance facility, the requirements of §B(1)—(8) of this regulation are met by compliance with child record requirements set forth at COMAR 13A.16.03.04 or COMAR 13A.17.03.04, as applicable.

D. Age of Admission.

(1) Except as provided by §D(2) of this regulation, a child shall be 2 years old, 3 years old, or 4 years old on or before September 1 of a school year to be age-eligible for admission during that school year to a nonpublic nursery school program approved under this chapter.

(2) A nonpublic nursery school may adopt policies and procedures permitting, on request by a child's parent or guardian, and if a nonpublic nursery school determines that a child demonstrates capabilities warranting early admission, a:

(a) 2 year old child to be admitted to a 3 year old nursery school program; or

(b) 3 year old child to be admitted to a 4 year old nursery school program.

**.09 Health, Fire Safety, and Zoning.**

A. An operator shall obtain and maintain documentation verifying current compliance with health, fire safety, and zoning regulations applicable to a nonpublic nursery school.

B. In a licensed child care center or a letter of compliance facility, the requirements of §A of this regulation are met by complying with pertinent health, fire safety, and zoning requirements set forth under COMAR 13A.16 or COMAR 13A.17, as applicable.

**.10 Procedures and Sanctions for Noncompliance—Educational Programs.** If the Department believes that a nonpublic nursery school does not meet the conditions or standards on which the certificate of approval of the school was based, the Department shall implement procedures and sanctions for noncompliance approved by the State Board.

MARYLAND STATE DEPARTMENT OF EDUCATION  
 DIVISION OF EARLY CHILDHOOD EDUCATION  
 OFFICE OF CHILD CARE

APPLICATION TO OPERATE AN  
 EDUCATIONAL PROGRAM IN A NONPUBLIC NURSERY SCHOOL

Regulated under COMAR 13A.16.16 Educational Programs in Nonpublic Nursery Schools

**Directions:** Complete this form and return it with all required documents. Each document must be submitted in the format in which it will be used and distributed by the nursery school. Identify each document with the Item number that corresponds to this Application. Incomplete applications will be returned.

**SECTION I – Nursery School Information**

Name: \_\_\_\_\_ Location Address: \_\_\_\_\_  
Street

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Mailing Address (if different than location): \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number: (\_\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_\_) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Legal Authority:** \_\_\_\_\_  
Name of the Entity

**Chief Officer:** \_\_\_\_\_  
Name Title Phone

**SECTION III – Authority to Operate** (Check appropriate box and indicate license/letter number in blank.)

- Child Care Center License # \_\_\_\_\_  Letter of Compliance # \_\_\_\_\_
- Tax Exempt Religious Organization Applying for Nursery School Approval Only
- Montessori Validation \_\_\_\_\_

**SECTION IV – Ages** (Indicate the number of classes for each age group in which children will be enrolled.)

	Age 2	Age 3	Age 4
Nursery School: _____			



**SECTION V – Documents**

	APPLICANT	MSDE USE	
	Check Documents Enclosed	Received	Approved
<p><b>1. <u>Authority to Operate</u></b>            A. Articles of Incorporation            B. Copy of Child Care License or Letter of Compliance</p>			
<p><b>2. <u>Personnel</u></b>            A. Educational Program Administrator                1. Personnel Record Form with clear copy of complete college transcript(s) or evaluation of a foreign credential                2. Written position description                3. Daily schedule            B. Teachers                1. Personnel Record Form with clear copy of complete college transcript(s) or evaluation of a foreign credential for each teacher                2. Written statement of the qualifications of each teacher in the format in which the nursery school will give it to parents or legal guardians of prospective and enrolled students.</p>			
<p><b>3. <u>Educational Program</u></b>            A. Written curriculum of the educational program for the development skills in personal and social development, language and literacy development, mathematical and scientific thinking, social studies, the arts and physical development and health. <b>(Do not need to submit with application documents.)</b>            B. Written list of the name and number of instructional materials and equipment that the nursery school owns to implement the curriculum as specified in A above.</p>	Curriculum will be reviewed by licensing specialist during the initial onsite visit.	N/A	
<p><b>4. <u>Child Records</u></b>            Sample of the cumulative student record form(s) that will be used for each child enrolled in the educational program and includes all information required by COMAR 13A.16.16.08B(1)-(12)</p>			
<p><b>5. <u>Daily Schedule</u></b>            Submit a copy of the center's daily schedule. Indicate the beginning and end of the nonpublic nursery school educational program (that sequential period of time during the day in which instruction will be implemented by teachers who meet the requirements of COMAR 13A.16.16.06B or C). Indicate before and/or after school child care periods, as applicable.</p>			

**SECTION VI – Certification** (must be signed by the Legal Authority's representative)

I hereby certify that the information provided in this application and in the attachments is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name  
OCC 200 7/15 (All previous editions obsolete)

\_\_\_\_\_  
Date

**MARYLAND STATE DEPARTMENT OF EDUCATION**  
**DIVISION OF EARLY CHILDHOOD DEVELOPMENT**  
 Office of Child Care  
 200 West Baltimore Street  
 Baltimore MD 21201

**PERSONNEL RECORD**

**1. Name and Address of Person Completing Form**

**2. Social Security Number**

Last	First	Middle	Maiden				
Address				City	State	Zip Code	

**3. Name and Address of School or Center:**

Address				City	State	Zip Code
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**4. Assignment** (To be completed by the educational program administrator)

- Educational Program Administrator
- Teacher – Nursery School

**5. Verification** (To be completed by the educational program administrator)

I hereby certify that I employed the individual named in this Personnel Record on \_\_\_\_\_ and that I have reviewed the information provided by that individual. (Month Day Year)

Signature of Educational Program Administrator: \_\_\_\_\_

Name of Educational Program Administrator: \_\_\_\_\_  
 (Print)

Title: (Print) \_\_\_\_\_

**6. Education (List in chronological order a record of your college or university education.)** Official transcripts of all college credits must be submitted in order to process the personnel record. Do not have transcripts sent directly to the Department of Education from a college or university. They should be mailed to the school or center and the educational program director should mail them to the licensing specialist assigned to the school or center.

Name of College or University	Location City, State, Zip Code	Period of Attendance	Degree/Diploma
		FROM: _____ TO: _____	Degree: _____ Major: _____ Date Awarded: _____
		FROM: _____ TO: _____	Degree: _____ Major: _____ Date Awarded: _____
		FROM: _____ TO: _____	Degree: _____ Major: _____ Date Awarded: _____
		FROM: _____ TO: _____	Degree: _____ Major: _____ Date Awarded: _____

**7. Date of CBC:** MD \_\_\_\_\_ FED \_\_\_\_\_  
 OCC 201 7/15 (All previous editions obsolete)

MARYLAND STATE DEPARTMENT OF EDUCATION - OFFICE OF CHILD CARE

**MONITORING REPORT**  
**EDUCATIONAL PROGRAM IN A NONPUBLIC NURSERY SCHOOL**

Date: \_\_\_\_\_ Name of School \_\_\_\_\_

School # \_\_\_\_\_ or Certificate # \_\_\_\_\_ Time In \_\_\_\_\_

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Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number: (\_\_\_\_\_) \_\_\_\_\_ Fax Number: (\_\_\_\_\_) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Person(s) Interviewed: \_\_\_\_\_

Title(s): \_\_\_\_\_

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**Compliance Review Items**

*Instructions: Review the following regulations and determine compliance. Note "C" if Operator is in compliance with the regulation. Note "N" if the Operator is not in compliance with the regulation.*

**COMAR 13A.16.16 - EDUCATIONAL PROGRAMS IN NONPUBLIC NURSERY SCHOOLS**

- .06 Personnel Qualifications # Teachers \_\_\_\_\_
- .07 Educational Program
- .08 Child Records #Children Enrolled \_\_\_\_\_
- .09 Health/Fire Safety/Zoning

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Signature of Agency Representative

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Signature of Operator/Agent

**Note: Failure to correct violations(s) listed below may result in sanctions being imposed or revocation of your Approval to Operate.**

**Time Out** \_\_\_\_\_

**OPERATOR COMMENTS:**

I request a review of the findings.       **YES**       **NO**

I received a copy of this report.       **YES**       **NO**

The use of this report have been explained to me.       **YES**       **NO**

**Review requested on Regulation(s)** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Operator/Agent**

\_\_\_\_\_  
**Signature of Agency Representative**

\_\_\_\_\_  
**Date**

**NATIONAL ASSOCIATION OF CREDENTIAL EVALUATION SERVICES, INC.**

*An Association of Independent Evaluation Services*

Center for Applied Research  
Evaluation & Education  
P. O. Box 18358  
Anaheim, CA 92817  
Phone: 714-237-9272  
[www.iescaree.com](http://www.iescaree.com)

FACS, Inc.  
Foreign Academic Credentials Service, Inc.  
P.O. Box 400  
Glen Carbon, IL 62034  
Phone: 618-656-5292  
[www.facsusa.com](http://www.facsusa.com)

Educational Credential Evaluators, Inc.  
P.O. Box 514070  
Milwaukee, WI 53203-3470  
Phone: 414-289-3400  
[www.ece.org](http://www.ece.org)

Foundation for International Service, Inc.  
14926 35th Avenue West Suite 210  
Lynnwood, WA 98097  
Phone: 425-248-2255  
[www.fis-web.com](http://www.fis-web.com)

Education Evaluators International, Inc.  
11 S. Angell Street #348  
Providence, RI 02906  
Phone: 401-521-5340  
[www.educei.com](http://www.educei.com)

International Consultants of Delaware, Inc.  
P. O. Box 8629  
Philadelphia, PA 19101-8629 **or**  
3600 Market Street, Suite 450  
Phone: 215-222-8454 ext. 603  
[www.icdel.com](http://www.icdel.com)

Education International, Inc.  
29 Denton Road  
Wellesley, MA 02482  
Phone: 781-235-7425  
[www.educationinternational.org](http://www.educationinternational.org)

International Education Research Foundation, Inc.  
P.O. Box 3665  
Culver City, CA 90231-3665  
Phone: 310-258-9451  
[www.ierf.org](http://www.ierf.org)

Educational Perspectives  
P.O. Box 618056  
Chicago, IL 60661-8056  
Phone: 312-421-9300  
[www.edperspective.org](http://www.edperspective.org)

Josef Silny & Associates, Inc.  
International Education Consultants  
7101 SW 102 Avenue  
Miami, FL 33173  
Phone: 305-273-1616  
[www.jsilny.com](http://www.jsilny.com)

Educational Records Evaluation Service, Inc.  
601 University Avenue Suite 127  
Sacramento, CA 95825  
Phone: 916-921-0790  
[www.eres.com](http://www.eres.com)

Evaluation Service, Inc  
333W. North Ave. #284  
Chicago, IL 60610-1293  
Phone: 847-477-8569  
[www.evaluationsservice.net](http://www.evaluationsservice.net)

Span Tran Educational Services, Inc.  
7211 Regency Square Blvd. Suite 205  
Houston, TX 77036-3197  
Phone: 713-266-8805  
[www.spantran-edu.org](http://www.spantran-edu.org)

World Education Services, Inc.  
Bowling Green Station  
P.O. Box 5087  
New York, NY 10274-5087  
Phone: 212-966-6311  
[www.wes.org](http://www.wes.org)

Foreign Educational Document Service  
P.O. Box 4091  
Stockton, CA 95024  
Phone: 209-948-6589  
[www.documentservice.org](http://www.documentservice.org)

World Education Services, Inc.  
P.O. Box 745  
Old Chelsea Station  
New York, NY 10113-0764  
Phone: 1- 800-937-3895  
Fax: 212-966-6395  
1-800-937-3897 Washington, DC