



# Issuing Letters of Compliance

(December 2016)

for use with

## COMAR 13A.17 Letters of Compliance

(as amended effective 7/20/15)

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**.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.

*INTENT: With the exception of those educational programs identified in §.01B above, these regulations govern educational programs in nonpublic nursery schools and all matters related to the approval of those programs. Unless operated by a tax-exempt religious organization that holds a Certificate of Approval from MSDE, ongoing compliance with all applicable provisions of COMAR 13A.17 – Letters of Compliance is required to maintain approval to operate an educational program in a nonpublic nursery school.*

**.02 Definitions.**

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

**B. Terms Defined.**

- (1) "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.
- (2) "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.
- (3) "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.
- (4) "Department" means the State Department of Education.
- (5) "Department representative" means an individual designated by the Department to determine compliance with this chapter.
- (6) "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.
- (7) "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.
- (8) "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.

- (9) **“Montessori program” means an educational program based on the pedagogical philosophy of Dr. Maria Montessori, as reflected in the program’s teacher qualifications, curriculum, instructional methods, and materials and equipment.**
- (10) **"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.**
- (11) **"Office" means the central office or a regional office of the Department's Division of Early Childhood Development, Office of Child Care.**
- (12) **"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.**
- (13) **"State Board" means the Maryland State Board of Education.**
- (14) **"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.**

*INTENT: The purpose of these definitions is to establish a clear and consistent meaning of certain terms used in this Chapter of the regulations. Whenever one of these terms appears in this Chapter of the regulations and in this Manual, it means only what its definition as set forth in §B(1)-(14) of this regulation says it means.*

**Notes:**

- *“Accreditation” is the term used to describe the process for evaluating the quality of an educational program for the purpose of school improvement. Accreditation is voluntarily sought by a school. The accreditation process is carried out by private accrediting bodies that organize a team of professionals to evaluate a school. The costs associated with the accreditation process are borne by the school. Accreditation is usually based on a self-study by the school prior to the accreditation visit.*
- *“Approval” is the term used for authorization to operate a nonpublic nursery school educational program that was issued by the State Board of Education through the Department’s Nonpublic School Approval Branch before July 1, 2007, or through the Department’s Division of Early Childhood Development on or after July 1, 2007. Requirements for approval of a nonpublic nursery school educational program were set forth in COMAR 13A.09.09 – Educational Programs in Nonpublic Schools, prior to July 1, 2007. These requirements were amended and re-codified as COMAR 13A.16.17 – Educational Programs in Nonpublic Nursery Schools.*

- “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.

**.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.**

*INTENT: Maryland’s Education Article §9.5-401 includes nonpublic nursery schools within the definition of “child care center.” Education Article §9.5-405(a) prohibits the operation of a nonpublic nursery school (child care center) without a valid child care license or letter of compliance.*

- 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.**

*INTENT: Education Article §9.5-405(b) establishes an exemption from licensure as a child care facility for a nonpublic nursery school operated by a tax-exempt religious organization, if the organization has been issued a Certificate of Approval to operate an educational program by MSDE.*

***Note:** Every operator of an educational program located in a nursery school that is subject to licensure pursuant to Education Article §9.5-405(a) must comply with all pertinent requirements set forth in Chapter 06, §03 regarding criminal background checks and child abuse/neglect clearances for employees and others connected with the nursery school.*

- C. 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.**

- D. 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.**

*INTENT: An approval to operate an educational program is non-expiring as long as the terms and conditions under which it was issued continue to be met by the operator.*

**E. 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.**

*INTENT: An approval to operate an educational program becomes invalid if the Division of Early Childhood Development (DECD) moves to suspend or revoke it (or the child care license or letter of compliance with which it is connected), and the operator either does not appeal the Division's action, or does appeal it, but the appeal is unsuccessful.*

*Note: There will be two different appeals processes for nursery school operators to use depending on whether the Division has initiated suspension or revocation of the educational program approval, or the child care license or letter of compliance. See procedures outlined in §10 of this Chapter.*

**F. 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.**

*INTENT: A document issued by the State Board or the Division that authorizes operation of a nonpublic nursery school educational program or a child care program is the property of MSDE and must be returned to the appropriate regional office of the DECD Office of Child Care by the program operator as soon as that document becomes invalid.*

**G. 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.**

*INTENT: Approval of an application to operate a nonpublic nursery school educational program is contingent on meeting all application requirements and procedures established by the Division of Early Childhood Development (DECD) Office of Child Care. The DECD Office of Child Care will not accept an application for an additional program from an operator who does not maintain full compliance for an existing program.*

**Notes:**

- The **“Application Packet and Instructions to Operate a Nonpublic Nursery School”**, is provided to the applicant.
- Approval of an educational program is specific to a particular location. A nursery school operator may not begin operation of another program at a different location unless the Office of Child Care has approved that location. Failure to obtain approval shall result in an order by the Office of Child Care to cease operating at the unapproved location.
- Prior to the anticipated opening of the additional location, the nursery school operator must contact the appropriate regional office of the Office of Child Care for information regarding approval procedures for an additional program location. Contact should occur as early as possible in order to facilitate the planned opening date at the new location.

**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.**

*INTENT: Once all application requirements, including documentation requirements are met, an on-site inspection will be made to determine compliance.*

**Notes:**

- Denial procedures are as specified in Education Article §2-206 (f), which states in pertinent part:
  - (f) Notice of deficiencies; hearing –
    - (1) If the State Board believes that a noncollegiate educational institution that applies for a certificate of 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.

(2) *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.*

(3) *If, within 6 months from the date on which the application for certification was submitted to the State Board, the institution has received neither a certificate of approval under subsection (e) of this section nor written notice of deficiencies under this subsection, it may request, within 20 days, a hearing before the Board to determine if the certificate of approval should be issued.*

- *On-site monitoring will be conducted by OCC personnel to determine compliance*

**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.**

*INTENT: The terms of approval are included in the approval document so that the program operator and the parents of children enrolled in the program may be fully informed of the conditions and limitations under which the program is authorized to operate.*

**Note:**

*The operating hours of an educational program in a nursery school that is required to be licensed or hold a letter of compliance may not exceed 6 hours per day, as specified in Chapter .01, §02B(29)(b) of these regulations.*

**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.**

*INTENT: Only the Division of Early Childhood Development, through the Office of Child Care, may set the terms and conditions under which an educational program in a nursery school may operate. These terms and conditions are specified on the approval document issued by the Division, and no deviation from those terms or conditions is permitted without prior written approval from the Office of Child Care.*

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*To allow sufficient time for review and processing of the request, a request for a change in approval terms or conditions must be received by the appropriate regional office of the Office of Child Care at least 60 days before the intended date of that change. The Office of Child Care may deny, on the basis of insufficient notice as required, a request that is received less than 60 days before the date of the intended change*

**Note:** *The changes listed below do not require prior approval, but they must be reported to the Office of Child Care regional office on or before their effective date:*

- *Change in the nursery school's telephone number;*
- *Change in the nursery school's fax number;*
- *Change in the nursery school's e-mail address;*
- *Change in the nursery school's mailing address;*
- *Change in the operator's mailing address and/or telephone number;*
- *Change in the operator of the nursery school, or the operator's agent, if the nursery school was approved by the Department before July 1, 2007, and is not required to hold a child care center license or letter of compliance; and,*
- *Cessation of operation (see §H of this regulation).*

**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.**

**INTENT:** *Except as set forth in §F of this regulation, the Office of Child Care will not consider any request for a change in approval terms or conditions if the educational program or program operator is currently in violation of an applicable regulation, is the subject of a current complaint investigation, or is pending an enforcement or disciplinary action.*

- 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.**

*INTENT: The Office of Child Care may consider a request for a change in approval terms or conditions if that request is for the purpose of enabling the educational program or program operator to achieve or maintain regulatory compliance.*

- 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.**

*INTENT: Any change to the terms or conditions of an approval must first be authorized through issuance of a revised approval document from the Office of Child Care. An operator may proceed with a change only upon receipt of that document.*

*Note: If an operator implements a change in the terms of approval before receiving a revised approval document, the Office of Child Care may move to suspend or revoke the approval of the operation of the educational program.*

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

*INTENT: Advance written notification of closing by the operator to the regional office of the Office of Child Care is required so that the regional office has sufficient time to complete its internal administrative procedures related to educational program closings.*

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

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

*INTENT: If the operator does not comply at all times with this Chapter (Chapter 14) of COMAR 13A.17 – Letters of Compliance, the Division of Early Childhood Development may request the State Board of Education to suspend or revoke the operator's approval.*

*Note: All enforcement actions, are initiated on behalf of the State Board by the Division's Office of Child Care as set forth in Education Article §2-206 (g) which states in pertinent part:*

*Order to correct deficiencies –*

- (1) If the State Board believes that a non-collegiate educational institution does not meet the conditions or standards on which its certificate of approval was based, it shall give the institution written notice of this belief.*

(2) *The notice shall specify the alleged deficiencies and direct the institution to correct them within a period of not less than 30 days as set by the Board. If the institution requests a hearing within 20 days of the notice, the Board shall hold a hearing to determine the matter.*

(3) *The order to correct the deficiencies shall be stayed until a determination is made after the hearing.*

**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.**

*INTENT: Under Maryland law and regulation, the Office of Child Care is required to monitor and assess the compliance status of programs under its jurisdiction. Compliance monitoring and assessment is carried out through announced and unannounced on-site inspections. These inspections may occur at any time during a program's authorized schedule of operation.*

**Notes:**

- *For an educational program with a child care center license, the Office of Child Care shall conduct routine unannounced inspections in accordance with Chapter 17, §02E(2).*
- *For an educational program that is not required to hold a child care center license, the Office of Child Care will conduct routine inspections only on an announced 24-month basis unless the program does not maintain full compliance. In this case, the Office of Child Care may also, at its discretion, institute unannounced inspections.*
- *Every inspection conducted as a follow-up to an earlier inspection where a noncompliance was found shall be unannounced.*
- *For all programs, an on-site inspection conducted in response to a complaint filed against the program shall be unannounced.*
- *The Electronic Licensing Inspection System (ELIS) is used to record compliance with the regulations for all nursery school educational programs requiring a child care center license. See Sample ELIS **“Child Care Center Inspection Report”**.*
- *A manual paper inspection form is used for nursery school educational programs that are not required to hold a child care center license. See **“Monitoring Report – Educational Program in a Nonpublic Nursery School”**.*

- 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.**

*INTENT: A program operator must make available to the Office of Child Care representative any information needed by the Office of Child Care to fulfill its compliance monitoring and assessment responsibilities.*

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

*INTENT: The operator is made aware of the findings of the inspection that was conducted by the Office of Child Care (OCC) representative.*

**Notes:**

- *During each inspection of an educational program, the OCC representative must record inspection findings using ELIS, or manually using the “Monitoring Report - Educational Program in a Nonpublic Nursery School”.*
  - *At the end of each inspection visit, the OCC representative reviews the inspection summary of findings with the operator.*
  - *Both the operator and the OCC representative sign the electronic inspection or manual inspection report.*
  - *The ELIS inspection report is subsequently emailed to the operator; or, if a manual report is completed, a copy of the manual report is given to the operator.*
- 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.**

*INTENT: If the Office of Child Care (OCC) finds that the operator is not in compliance with a requirement of this Chapter of the regulations (COMAR 13A.17.14), the OCC*

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shall provide written notice of that noncompliance. The notice shall specify what the noncompliance is, the pertinent provision of COMAR 13A.17.14 – Educational Programs in Nonpublic Nursery Schools, what the operator must do in order to correct the noncompliance, and the deadline by which that correction must occur.

Notes:

- If a noncompliance was noted during an Office of Child Care inspection of the program, the statement of noncompliance shall be made as part of the inspection report.
- Pursuant to Education Article §2-206(g):
  - The specified deadline for correction of a cited noncompliance shall be at least 30 days from the date of the citation;
  - Within 20 days of receiving the statement of noncompliance, the operator may request a hearing before the State Board to contest the finding; and
  - If a hearing is requested, the State Board shall hold a hearing to determine whether or not the finding of noncompliance was justified. The order by the Office of Child Care to correct the noncompliance shall be stayed pending the State Board’s determination.

**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.**

*INTENT:* A sanction may be taken against the operator by the Division of Early Childhood Development, through the Office of Child Care, if the operator does not comply with all applicable requirements of COMAR 13A.17.14 – Educational Programs in Nonpublic Nursery Schools.

*If the certificate of approval for an educational program is suspended or revoked, and this program is housed within a child care facility that is required to hold a child care center license or a letter of compliance, the action does not affect the status of the child care center license or letter of compliance. However, if the child care center license or letter of compliance of the facility is revoked or suspended, the educational component may not operate.*

Notes:

- All sanctions to end a program’s operation are taken pursuant to Education Article §2-206 (h) which states in pertinent part:  
(h) Order to end operations. —

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*(1) The State Board may order a noncollegiate educational institution to end operations if the institution fails to correct the specified deficiencies within the period set by the Board and if:*

- (i) A hearing is not requested; or*
- (ii) After a hearing, the Board finds that the institution does not meet the conditions or standards.*

*(2) The order takes effect 15 days after it is issued.*

- *Factors used by the Division in deciding which type of sanction (restriction, suspension, or revocation) to take include, but are not necessarily limited to, the following:*
  - *Nature and extent of the noncompliance;*
  - *Actual or potential impact of the noncompliance on children enrolled in the program; and*
  - *Compliance history of the program.*
- *If a sanction against the educational program takes effect, the regional office of the Office of Child Care shall issue to the operator a revised license or letter of compliance document that indicates the status of the educational program.*

**.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.**

*INTENT: The operator must ensure that the daily operations of the program are planned and directed by a properly qualified person. This person's specific duties and responsibilities must be established in writing. The person must be present enough each day, and the program's daily activities must be staffed and conducted in such a way, as to permit the person to carry out those duties and responsibilities fully and regularly.*

**INSPECTION REPORT ITEM:** "Personnel Qualifications"

**COMPLIANCE CRITERIA:**

- *A current program or facility employee has been designated to serve on a continuing daily basis as the program administrator (actual title or equivalent);*

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- *The current administrator meets the minimum qualifications requirements set forth in §B(3) of this regulation;*
- *There is a written description of the administrator's duties and responsibilities; and*
- *The administrator's daily program schedule routinely permits the person to be present and able to carry out the specified duties and responsibilities.*

**ASSESSMENT METHOD:** *Evaluate compliance through observation, interview, and/or review of program records as appropriate.*

**Notes:** *The written position description must include a schedule that shows how the Educational Program Administrator will have sufficient onsite time each day to carry out the duties and responsibilities of the position. Since the regulations do not define "sufficient time" or prescribe a specific daily amount of time, the Licensing Specialist should review the position's duties and responsibilities and then ask the administrator to explain how the schedule allows enough time each day to meet those obligations.*

**B. 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.**

**INTENT:** *The instructional program in each class must be led by a person designated as the class teacher who meets the minimum qualification and continued training requirements as specified. In addition to possessing specific educational credentials, a nursery school teacher must have sufficient continued training to keep abreast with current early childhood issues.*

**INSPECTION REPORT ITEM:** *"Personnel Qualifications"*

**COMPLIANCE CRITERIA:**

- *Each class is led by a designated teacher.*

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- *Each class teacher meets the specified minimum qualification requirements for that class.*
- *Each class teacher completes at least 12 clock hours of approved continued training during each full year of employment.*

**ASSESSMENT METHOD:**

- *Evaluate compliance through observation, interview, and/or review of program records as appropriate.*
- *Review the teacher's completed Professional Development Plan with attached documentation of trainings completed to determine if the teacher has completed continued training as required during the previous full year of employment.*

**Notes:**

- *A person designated as the teacher's assistant in a class does not have to meet the requirements established by this regulation.*
- *A Maryland teaching certificate is not required for teachers in nonpublic nursery schools.*
- *When reviewing documentation of:*
  - *Bachelor's degree from an Institution of Higher Education (IHE):*
    - ❖ *Compare name on transcript to name of individual (he/she may now have a different last name).*
    - ❖ *Look for "Date degree conferred" on the transcript.*
    - ❖ *If unsure whether the degree was awarded from an IHE, contact the Teacher Certification Branch of the MSDE Division of Certification and Accreditation at 410-767-0412 to verify if the institution is an Institution of Higher Education.*
  - *120 semester hours of college credit from an IHE:*
    - ❖ *Compare name on transcript(s) to name of individual (may have a different last name).*
    - ❖ *Look for "Total credits earned" or indication of total credits on each transcript. Disregard the "credits attempted" columns.*
    - ❖ *Do not count only early childhood or education credits/courses.*
    - ❖ *If it is unclear how many credits have been awarded, ask the applicant to highlight all credits awarded and indicate the total number of credits earned.*
    - ❖ *Confirm the total credits awarded (double check).*
  - *Foreign Credentials:*

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- ❖ *Require the applicant to submit a copy of the evaluation of the foreign credential that has been done by a recognized foreign credential evaluation agency.*
  - ❖ *Ensure that the evaluation indicates that the foreign credential is, at a minimum, equivalent to a U. S. Bachelor's degree.*
  - ❖ *If necessary, refer the applicant to the list of independent evaluation services agencies recognized by the Department to evaluate foreign credentials, or go to the website of the National Association of Credential Evaluation Services at [www.naces.org](http://www.naces.org) for a current list of official agencies that evaluate foreign credentials.*
- (4) **In addition to meeting the requirements of §B(3) of this regulation, a teacher employed in a Montessori program shall also hold a Montessori diploma or credential for the level of the individual's assignment.**

Note: *No other credentials are required.*

- (5) **If the degree, college credit, or foreign credential required at §C(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.**

Notes:

- *A Child Development Credential (CDA) is not acceptable evidence of a Bachelor's degree or 120 semester hours of college credit. The individual may have earned college credit while earning the CDA, but the applicant is required to submit evidence that a Bachelor's degree has been conferred or 120 semester hours of college credit have been awarded to each Educational Program Administrator and each teacher in the nursery school educational program.*
- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.*

- (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.**

*INTENT: A nursery school teacher must have sufficient continued training to keep abreast with current early childhood issues.*

**INSPECTION REPORT ITEM:** “Personnel Qualifications”

**COMPLIANCE CRITERIA:** *The nursery school teacher completes at least 12 clock hours of approved continued training during each full year of employment.*

**ASSESSMENT METHOD:** *Review the teacher’s completed Professional Development Plan with attached documentation of trainings completed to determine if the teacher has completed continued training as required during the previous full year of employment.*

**Notes:**

- *This regulation is met if the individual participates in the OCC Credentialing Program and has a current certificate noting achievement at Level 2 or above. Check the expiration date on the credential certificate. If expired, the individual must produce evidence of 12 hours of continued training.*
- *If individual states that the certificate is not expired, check with the Credentialing Branch for verification. See **“Checking Staff Continued Training in Child Care Centers Guidelines”**.*
- *The Credentialing Branch of OCC is responsible for establishing and monitoring the approval criteria for all courses and curricula used to meet pre-employment training and continued training requirements. The Credentialing Branch is also responsible for all approvals of trainers and training organizations who wish to offer those courses and curricula.*

**C. 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.**

**D. 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.**

*INTENT: Written documentation of each educational program teacher's qualifications must be maintained on site for reference by parents. A copy of this documentation must be given to each parent who requests it.*

**INSPECTION REPORT ITEM:** "Personnel Qualifications"

**COMPLIANCE CRITERIA:**

- *For each educational program teacher, written documentation of qualifications is present on site.*
- *Upon request, a copy of that documentation is provided to parents or guardians of current or potential program enrollees.*

**ASSESSMENT METHOD:** *Evaluate compliance through observation, interview, and/or review of program records as appropriate.*

**Notes:**

- *The operator may elect to prepare one written statement that references the credentials of each teacher; or may choose to indicate the credentials of each teacher on a separate statement. Often the statement of teacher credentials is included in a school's handbook or other public relations materials. This is also acceptable for assessing compliance.*
- *When reviewing statement of teacher credentials:*
  - *Look for a written statement of the credentials of each teacher in the format that the school will give to parents/legal guardians upon request.*
  - *Ensure that the statement references each teacher who will implement the educational program.*
- *Although not required by regulation, be aware that a school often includes information about other staff members in this statement.*

**.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.**

*INTENT: The program must have, and follow, a written educational curriculum in specified cognitive, social, and physical skill domains that is appropriate to the ages and developmental levels of the children served by the program.*

**INSPECTION REPORT ITEM:** “Educational Program”

**COMPLIANCE CRITERIA:**

- *The program has a written curriculum for each class that addresses each of the listed content areas;*
- *In each class, the curriculum is appropriate to the age and developmental level of the children in that class.*
- *In each class the curriculum is implemented; and*
- *A copy of each class curriculum is kept on site.*

**ASSESSMENT METHOD:** *Evaluate compliance through observation, interview, and/or review of the written curriculum.*

**Notes:**

- *There is no single, prescribed curriculum design, format, or presentational method that all approved programs must follow. Instead, each program is free to use any design, format, or presentational method that it chooses as long as the content of the curriculum followed in each class clearly addresses each listed area on a daily basis.*
- *For a mixed-age class, a written curriculum for each age represented in the class must be implemented and maintained.*
- *Various kinds of early childhood curricula may be reviewed at the facility for approval. Examples of acceptable curricula include, but are not limited to, the following:*
  - *Commercial Curricula. There are hundreds of different commercial curricula for early childhood education. Some examples are:*
    - ❖ *The Creative Curriculum for Preschoolers*
    - ❖ *High/Scope*

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- ❖ *The Calvert School curriculum*
- ❖ *The A Beka curriculum*
- *Religious Curricula. There are numerous religious curricula. Some examples are:*
  - ❖ *Christian*
  - ❖ *Catholic*
  - ❖ *Judaic*
  - ❖ *Islamic*
  - ❖ *Lubavitch*
- *Curricula of Different Philosophies. Some curricula adhere to a specific philosophy of education. Some examples are:*
  - ❖ *Montessori*
  - ❖ *Waldorf*
- *Local School System Curriculum:*
  - ❖ *Some operators use the curriculum that a local school system implements for its Early Elementary Education Program (EEEP) for a 4-year-old nursery school program.*
  - ❖ *Some operators adapt a local school system pre-kindergarten curriculum for a 3-year-old or 4-year-old nursery school program.*
- *Independent Curricula:*
  - ❖ *Developed by the specific nursery school.*
  - ❖ *Often curricular areas are developed around themes (My Community, Farm Animals, The Zoo, Weather, Holidays).*
- *Internet sources – limitless resources for curricula*
- *What to look for when reviewing written curricula:*
  - *Ensure that there is a written curriculum for each age group for which approval is sought (2-year-olds, 3-year-olds, and/or 4-year-olds).*
  - *Ensure that each curriculum includes the following areas of instruction:*
    - ❖ *Personal and social development*
    - ❖ *Language and literacy development*
    - ❖ *Mathematical and scientific thinking*
    - ❖ *Social studies*
    - ❖ *The arts*
    - ❖ *Physical development and health*

**Note:** *Subject titles used by the operator in its written curriculum may not exactly match the subject titles used in the regulations, for example:*

- ❖ *Personal and social development may be titled “All About Me”*

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- ❖ *Language and literacy development may be titled “Pre-Reading Skills”*
  - ❖ *Mathematical thinking may be titled “Numeracy” or “Measuring”*
  - ❖ *Scientific thinking may be titled “Discovery”; “How Things Grow”*
  - ❖ *Social studies may be titled “My Community”*
  - ❖ *The arts may be titled “Music and Movement” or “Free Expression”*
  - ❖ *Physical development may be titled “Gross Motor Activities”*
  - ❖ *Health may be titled “Taking Care of My Body”*
- *Regardless of the name or type of curriculum that a nursery school uses, it must, at a minimum, include all of the curricular areas required by §A(1)-(6) of this regulation.*
  - *If you are unsure if all of the required areas of instruction are covered in the curriculum, ask the operator to identify each area of instruction using the curricular areas specified in §A(1)-(6) of this regulation.*
  - *Do not require the operator to change the terms used in the program’s curriculum, because that is the program’s working document. Simply ask the operator to indicate the curricular areas specified in §A(1)-(6) of this regulation to ensure that all required areas are included.*

**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.**

*INTENT: Instructional materials and equipment are items that are provided for use by enrolled children and are needed to implement the curriculum in each class. There must be sufficient items to permit full implementation of the curriculum. To ensure that these items will always be available and ready for use, the operator must own and maintain them on site.*

**INSPECTION REPORT ITEM:** “Educational Program”

**COMPLIANCE CRITERIA:** *All items necessary for implementing the curriculum in each class are:*

- *Owned and maintained on site; and*
- *Present in sufficient quantity for full implementation of the curriculum.*

**ASSESSMENT METHOD:** *Evaluate compliance through observation of materials.*

Notes:

- *§B of this regulation does not specify a required number of items the nursery school must have in order to implement the educational program. You should use observation and professional judgment to determine whether the quantity of items is adequate for the curriculum and the number of children enrolled in the program.*
- *When reviewing the list of instructional materials and equipment:*
  - *Ensure that the list of instructional materials and equipment correlates to the specific areas of instruction required by §A(1)-(6) of this regulation:*
    - ❖ *Personal and social development*
    - ❖ *Language and literacy development*
    - ❖ *Mathematical and scientific thinking*
    - ❖ *Social studies*
    - ❖ *The arts*
    - ❖ *Physical development and health*
  - *If the list does not identify the materials and equipment by the instructional areas specified in §A of this regulation, return the list and ask the operator to list the materials and equipment under the curricular areas specified in §A(1)-(6) of this regulation.*
  - *Ask the operator to explain any material and /or equipment item that may be unfamiliar.*
- *If the list does not include items under all of the six areas of instruction required by the regulations, it is incomplete and un-approvable until complete.*

**.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.**

***INTENT:** The operator shall maintain a continuing record for each enrolled child that contains information specifically identifying the nursery school and the child, the child's enrollment and attendance dates, and the child's program performance.*

***INSPECTION REPORT ITEM:** "Child Records"*

***COMPLIANCE CRITERIA:** For each child, a cumulative record is kept on site that contains all of the required information that applies to that child.*

***ASSESSMENT METHOD:** Evaluate compliance through review of program's cumulative record form.*

**Notes:**

- *A cumulative record may be the child's transcript or a combination of the center licensing record together with the cumulative record file on the child as long as the combined records contain all the information in §B of this regulation. The requirement of §A of this regulation to maintain a "cumulative record for each child enrolled" means that the operator must have one record form for each child on which to record specific information for that child for the entire period of time the child is enrolled in the educational program.*
- *The cumulative record is not the same as a progress report (which is sometimes called a "report card" or a "report to parents").*
- *Progress (or performance) information from the report to parents is usually transferred to the cumulative record form that is maintained at the school.*
- *Each child's cumulative record form must be maintained throughout the period of time that a child is enrolled in the educational program.*
- *Since nursery school attendance is not required before entering kindergarten, the cumulative record of a child is usually not requested by a receiving school; however, a parent might request a copy of it when the child leaves the educational program.*
- *Some operators use commercial student record forms. Some operators design their own student record form. Any record form is acceptable as long as it contains spaces, at a minimum, for all of the information required by §B(1)-(12) of this regulation.*

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- *A school's cumulative child record form may require additional information that the operator feels is important to be included.*
- *When reviewing the document submitted as the cumulative record form, check for:*
  - *Accurate, full, official name of the nursery school as reflected on the application form and on the center's license or letter of compliance.*
  - *Complete and accurate location address of the nursery school. (Note: Sometimes an operator with more than one center will submit a record form with the location address of another center.) Ensure that the address on the form is the location address of the nursery school and not a Post Office box address or the address of the corporate or off-site office.*
  - *Ensure that the telephone number is the telephone number of the nursery school and not that of the corporate or off-site office.*
  - *Space for the child's first, middle, and last names (in order preferred by the operator)*
  - *Space for the child's month, day, and year of birth.*
  - *Space for the child's home address.*
  - *Space for the month, day, and year the child initially entered the educational program.*
  - *Space to record the age of the child upon enrollment in the educational program.*
  - *Space for the month, day, and year of the child's withdrawal (promotion, graduation, etc.) from the educational program.*
  - *Space for performance information in each curricular area for each school year.*
  - *Code for the meaning of the performance information. (Some operators use a narrative format for performance information for early childhood programs. Operators who use this format can indicate "narrative" for the code.*
  - *Space for the total number of days the child was present for the educational program in each school year.*
- *If the form submitted as the cumulative record form does not provide for one or more of the items referenced in §B(1)-(12) of this regulation, or if it contains inaccurate identifying information, it is not approvable.*
- *If the form contains fields to record information that does not apply to the nursery school (such as elementary or secondary school subjects, local school system identifying code, name or location address of another school), it is not approvable.*

- 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.**

*INTENT: In order to hold a child care center license or letter of compliance, the operator of an educational program located in a licensed center or letter of compliance facility has already met most of the child record-keeping requirements listed under §B of this regulation. Records maintained for licensing compliance purposes may also be used for educational program compliance purposes.*

**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.**

*INTENT: To be enrolled during a given school year, a child must have reached the age of 3 years or 4 years by the start of that school year. Exceptions allow a 2 year old child to be admitted early to a program for 3 year old children, or a 3 year old to a program for 4 year old children, upon approval of the program following request from the child's parent.*

**INSPECTION REPORT ITEM:** "Child Records"

**COMPLIANCE CRITERIA:**

- *Except under early admission, each child in a 3-year-old program or a 4-year-old program became 3-years-old or 4-years-old, respectively, by September 1 of the current school year.*
- *For each 2-year-old child in a 3-year-old program, and each 3-year-old child in a 4-year-old program:*
  - *The child's parent has made a request for the child's early admission; and*
  - *The operator has determined that early admission is developmentally appropriate for the child.*

**.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.**

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*INTENT: The property of the nursery school must be safe for children and must comply with all applicable State and local codes. The nursery school operator must obtain all necessary health, fire, and zoning certifications and keep records of those certifications.*

*INSPECTION REPORT ITEM: “Health, Fire Safety, and Zoning”*

*COMPLIANCE CRITERIA: Documentation is maintained on site showing that the nursery school is in full current compliance with all applicable State and local codes.*

*ASSESSMENT METHOD: Inspect the nursery school files to verify that documentation of current compliance is present.*

- 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.**

*INTENT: In order to hold a child care center license or letter of compliance, the operator of an educational program located in a licensed center or letter of compliance facility has already met all applicable State and local code requirements. Relevant documentation obtained in connection with a license or letter of compliance may also be used for educational program approval purposes.*

**.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.**

*INTENT: 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 the requirements of COMAR 13A.17 – Letters of Compliance, as set forth in Education Article §2-206.*

**Notes:**

- *Suspension or revocation of the educational program approval. If the Division moves to suspend or revoke the approval of the educational program of a nursery school operator and the operator wishes to appeal that action, the appeal will be heard by the State Board of Education.*
  - *The DECD Office of Child Care shall provide to the operator a written notice of the action that also contains a statement of the operator’s right to appeal to the State Board.*

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- *The operator shall have a period of 20 days to file a written request for appeal with the State Board.*
  - *If the operator does not request an appeal within 20 days after the notice of action, the action becomes effective 15 days later.*
  - *If a timely appeal request is made to the State Board, the State Board shall hold a hearing within 60 days to decide to approve or to deny the action by the Office of Child Care.*
  - *If the action is approved by the State Board, it shall take effect 15 days after the date of the State Board's determination unless the operator files for judicial review of the State Board's determination. The operator'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 Division 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.*