



OUTDOOR PRESCHOOL LICENSING IN MARYLAND





This information was compiled by the Eastern Region Association of Forest and Nature Schools (ERAFANS) to help stakeholders understand the challenges that outdoor preschools face in Maryland.

Outdoor preschool and child care programs currently cannot be licensed by the Maryland State Department of Education's Office of Child Care unless they have indoor classroom or building space. For this model of outdoor learning, an indoor classroom is not needed except for emergency shelter purposes. Yet without it, there is no path for licensing or regulation of the teachers and children they serve. This creates inequitable barriers to this high-quality, nature-based child care options.

WHAT IS AN OUTDOOR PRESCHOOL?

An outdoor preschool is defined as a fully immersive outdoor learning program in a wild or natural setting for children ages 3-5 years old. Outdoor preschools have access to a shelter space in case of emergency, but there are no indoor classroom spaces routinely used for daily learning. Outdoor preschools implement developmentally appropriate, nature-based curriculum (just as licensed nature preschools do) and employ alternative approaches to meet health and safety needs of young children.

There are several outdoor preschool programs in Maryland. These programs take place in a wide range of settings such as:

- Public parks and green spaces
- Existing nature centers, environmental education centers, outdoor education facilities, and agricultural centers
- Farms, including urban farms
- Private property with natural features and habitats
- In partnership with other nonprofit organizations (e.g. retirement community)

Outdoor preschools are not limited to rural areas! In fact, parks in large urban centers have potential to provide access to outdoor preschool in traditionally underserved, low-resourced communities.





WHY DO OUTDOOR PRESCHOOLS NEED TO BE LICENSED?

1. Many families receive state vouchers for child care. Vouchers can only be applied to licensed, accredited preschool and child care programs. This translates into NO access to outdoor preschools for families who rely on vouchers, and disproportionately affects families in BIPOC communities.
2. There are significant time constraints regarding the length of time outdoor programs can operate because they cannot be licensed. Part-day programs do not meet the needs of most working families (see 2017 national survey by the North American Association of Environmental Educators for statistics).
3. Services and funding needed to support children with special needs cannot be readily accessed without licensing, placing additional burdens on families and small outdoor programs.
4. Unlicensed programs may not vet teachers for credentials that impact the health and safety of young children.
5. Professional development funding offered by the Maryland State Department of Education (MSDE) is not accessible to early childhood educators in unlicensed programs.

An Advisory Team for **Outdoor Preschool Licensing (OPL)** in Maryland formed in January 2020 to examine these issues. Our coalition of stakeholders are actively advocating for the licensing of outdoor preschools to provide safe, equitable, inclusive access to these high quality early learning programs. To learn more about the OPL Advisory Team's advocacy efforts, visit www.erafans.org/OPL-MD.

WHY DO OUTDOOR PRESCHOOLS NEED TO BE LICENSED? CONTINUED

There are already licensed nature preschools - why do we need separate licensing?

Unlike existing licensed nature preschools, there is no facility or indoor space to regulate because outdoor preschools operate 100% outside. They have unique health and safety needs in order to be outdoors all day, every day, in rain-or-shine conditions.

The existing COMAR regulations require an indoor facility for licensing. Absent a building, current outdoor preschools cannot be licensed.

“Our [2017] pilot program allowed us to learn what it takes to provide a high-quality outdoor program and establish robust standards to ensure children’s health and safety in the outdoors. Other states can now look to us as they consider how to implement outdoor learning options.”

- Washington State Department of Children, Youth and Families, Secretary Ross Hunter

In July 2021, Washington State implemented legislation to permanently license outdoor, nature-based child care for preschool and school-age children.

By being licensed, we could ensure that teachers have required credentials to work in a licensed child care setting, including current first aid and CPR certification, background checks, and knowledge of developmentally appropriate practices.

Teachers are also not able to receive funding to attend continuing professional development courses, approved by MSDE, because outdoor preschool programs are not licensed or part of the MD EXCELS program. We want to ensure that outdoor preschool teachers receive high quality training in core knowledge areas identified by MSDE: health, safety and nutrition; curriculum; child development; community; professionalism; and special needs.

Finally, children who require special services are also not able to access services in an unlicensed program, which makes inclusive programming challenging and puts an undue burden on families and small programs to fund needed assistance (e.g. one-on-one aides). In many instances, families who have a child with special needs seek outdoor preschool for its therapeutic health benefits. Yet only families of means have the privilege to pay for additional support to attend outdoor preschool. This creates another unfair, inequitable barrier for families with children who have diverse abilities and special needs.



IS IT 'CAMP'?

Outdoor preschools use curriculum, align with curriculum standards and developmentally appropriate practices, document and assess learning, have parent/teacher conferencing, offer community-building events with families, etc. These are not camps, they are preschool programs that take place entirely outside. Because these programs cannot be licensed, they may refer to themselves as ‘nature club’, ‘year-round camp’, or ‘nature programs’, to obtain liability insurance because most people are not familiar with the term ‘outdoor preschool’ or ‘forest preschool’.



WHERE DO THESE PROGRAMS OPERATE?

Sometimes outdoor preschools have a formal Memorandum of Understanding (MOU) with a park system or private land owner. In other cases, there may be an MOU with a like-minded organization such as a nature center or retirement community. In other circumstances, the director operates an outdoor preschool on his/her privately owned property.



DO PARENTS REALLY WANT THIS?

Many Americans have an 'indoor' perception of learning, which is culturally different from where outdoor preschools originate in Scandinavia. In other countries such as Sweden, Norway, Denmark, Iceland, Germany, the United Kingdom, and Canada, children are outdoors in far colder/more extreme conditions. In fact, there are already hundreds of outdoor preschool programs across America! They safely navigate cold temperatures in states such as Alaska, Michigan, Montana, Vermont, Maine, Colorado, New Hampshire, and Minnesota as well as hot weather in Florida, Texas, New Mexico, etc. So, YES! There are many parents who prioritize outdoor preschool for their children.



MORE CONSIDERATIONS ON VOUCHERS/SCHOLARSHIPS

As we explore outdoor preschool licensing in Maryland, it may be necessary to examine how scholarship funds operate in the context of 'child care' versus 'camp'. Camp programs also want/need to offer subsidies to families but encounter issues of equitable access to funding due to a separate camp licensing structure. (Camps are licensed by the Maryland Department of Health, yet the Office of Child Care regulates preschools and child care.)

Vouchers are awarded to low-income families, often in large urban centers/cities. It is important to note that many outdoor preschools utilize parks. There are many wonderful urban parks that could offer outdoor preschool, but children in need of vouchers still would not be able to attend unless they are licensed programs.



WOULD THIS REQUIRE A NEW SET OF REGULATIONS?

MSDE currently has four sets of child care regulations. Exempt programs (e.g. Montessori or religious preschools) must provide a letter of compliance for these regulations. From MSDE's perspective, it may present challenges for licensing specialists to follow the four sets of regulations currently in place. Funding may be needed to successfully implement and enforce a new set of standards. If outdoor preschools were able to receive an exemption like other specialized forms of education, new outdoor preschool licensing regulations would not be needed.

Washington State is the first state in the country to pass legislation making fully outdoor preschools legal and accessible. Because Washington State has encountered and satisfied similar regulations, we have a fantastic model to reference.

Maryland also has many licensing specialists who routinely oversee [licensed] nature-based preschools. These licensing specialists may have useful insights about how licensing can be achieved for fully immersive outdoor preschools.



ARE DIFFERENT REGULATIONS FAIR?

Some child care providers may perceive new outdoor preschool regulations as more lax than what they [traditional child care] must comply with. This could be viewed as unfair (e.g. handwashing stations outdoors instead of plumbing). This underscores the need to conduct a careful review of COMAR 13.A regulations to address these points of concern.



IS THERE ANY COST BENEFIT/SAVINGS?

Outdoor preschools don't have the same overhead costs to operate because they have no building. This means the savings can be applied towards increased teacher pay, outdoor gear, and in many cases, reduced tuition for participating families.



WOULD OUTDOOR PRESCHOOLS COMPETE WITH OTHER KINDS OF CHILD CARE?

Preventing competition is not a valid reason to ignore an opportunity to provide safe, equitable, and inclusive access to high-quality child care. There is a select and growing group of families and teachers who understand the benefits of nature-based early childhood education and want 100% immersive outdoor learning options. This interest is currently more narrow than traditional child care. Outdoor preschool licensing will provide more options for high quality child care for those who seek it. Any competition that arises would only serve to motivate traditional child care providers to provide more outdoor opportunities.



WHAT IS THE COST?

In Washington's case, there was a four-year pilot program to examine the need for licensing and identify guidelines for licensed operation. In Maryland, we may only need a two- or three-year pilot because there are WA guidelines to learn from. This is a much larger question that we are examining as we move forward.



ARE THERE LIABILITY ISSUES FOR THE STATE IF OUTDOOR PRESCHOOLS ARE LICENSED?

Outdoor preschools obtain liability insurance just as any other programs do (e.g. aftercare programs and clubs, rec centers, etc.). MSDE already incorporates several kinds of outdoor programs as part of a well-rounded curriculum (sports, field trips, overnight outdoor recreation, etc.).



To learn more, visit erafans.org/OPL-MD. Want to help? Contact the Outdoor Preschool Licensing (OPL) Advisory Team co-chairs:

MONICA WIEDEL-LUBINSKI

director@erafans.org

LISA POE

littlebugsnaturepreschool@gmail.com

