# Trends in Child Care Regulation

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# Overview

- Licensing as the Foundation of Quality

- Trends in:
  - Licensing Standards
  - Licensing Policies

- Use of Technology

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# Licensing as the Foundation of Quality in a Cross-Sector System

- To protect and prevent the harm of children
- To improve the quality of care
- To help providers in ensuring a safe and supportive environment for children
- To support parents in assessing and choosing child care
- To ensure the appropriate use of federal and state funds

- A source of information for parents, policy makers, educators, service providers, and emergency response teams

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# Licensing Across Programs

- Licensing protects the greatest number of children in out of home care
  - ❖312,254 licensed facilities (centers and homes)
  - ❖10.2 million licensed slots

- Head Start and prekindergarten programs are licensed by States unless exempt
  - ❖Part-day programs exempt in 19 States
  - ❖Preschools operated by public schools exempt in 18 States

- Licensing is a prerequisite or the first level of QRIS

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# Licensing Thresholds for Family Child Care

- 10 States require FCC home providers to be licensed when one or more unrelated children are in care

- Most common threshold for family child care licensure is 3 or 4 children

- 7 States set their threshold at 6 or more children

- 3 States do not require home licensure (ID, LA, NJ)

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# Elements of a Licensing Program

1. Authority
2. Administration and Policies
3. Program Standards/Requirements
4. Monitoring
5. Enforcement Tools and Negative Sanctions
6. Licensing Staff Development
7. Provider Support

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# Essentials of Requirements

- Clearly written in easy to understand language

- Reasonable and achievable

- Enforceable and measurable

- Reflects community/state support

- Fiscal impact

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# The Revision Process

● Stakeholder opportunity

● Reasons for Revisions
   ❖ New research
   ❖ Single incident
   ❖ State legislation
   ❖ Consumer Product Safety Commission requirements
   ❖ Caring for Our Children 3rd Edition – new guidelines
   ❖ Competition - the other states are doing it!

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# Licensing Trends for 2011

- Licensing Regulations for Child Care Centers
  - Standards that programs are required to meet
  - Compiled from the National Resource Center for Health and Safety in Child Care and Early Education Web site

- Licensing Policies
  - Facility monitoring, enforcement of regulations, licensing program staffing
  - Results of National Association for Regulatory Administration (NARA) survey of all licensing agencies

- NCCCQI compared 2011 data to previous Licensing Studies
  - Primarily used *2005 Child Care Licensing Study*, but also 2007 and 2008

- *Trends in Child Care Center Licensing Regulations and Policies for 2011* (Sept. 2012), by NCCCQI

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# Positive Changes Found

- **Child care center licensing regulations**
  - ❖ Safe sleep
  - ❖ Preservice training for directors
  - ❖ Ongoing training hours
  - ❖ Background checks
  - ❖ Ratios and group size

- **Licensing policies**
  - ❖ Frequency of inspections
  - ❖ Differential monitoring

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# Safe Sleep

- 18 States added "back to sleep" requirements to center regulations since 2005

| SIDS Prevention Requirements | Number of States | |
|---|---|---|
| | 2005 | 2011 |
| Infants must be placed on their backs to sleep | 24 | 42 |
| Physicians may authorize different sleep positions for infants | 20 | 35 |
| Soft bedding/materials must not be used in cribs | 17 | 25 |
| Staff are required to complete training about SIDS prevention | 7 | 7 |

N=50 States, including DC and excluding ID.

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# Preservice Qualifications

- Center Directors
  - Seven States have changed the preservice requirements for center directors since 2005
  - The most common minimum qualification for both center directors and master/lead teachers is the Child Development Associate (CDA) Credential™
  - *Caring for Our Children* recommends a Bachelor's degree with coursework in administration and ECE

- Center Teachers
  - Two States have changed requirements for teachers (CO and GA)
  - For teachers, the most common qualification is experience—either alone or with a high school diploma or General Educational Development (GED) credential
  - *Caring for Our Children* recommends a Bachelor's degree in ECE, or other child-related field, or an associate's degree in ECE and currently working towards a bachelor's degree

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# Georgia is Raising Requirements

- For Directors, Teachers/Lead Teachers, and Group Home Providers
  - Previous requirement was a High School Diploma
- On December 1, 2012, the requirement will be:
  - Child Development Associate (CDA) credential;
  - Child Development and Related Care diploma from a vocational institute; or
  - Similar credential where the course of study includes an intensive practicum in child care as part of the curriculum
- This same requirement went into effect for new small FCC home providers in 2009.

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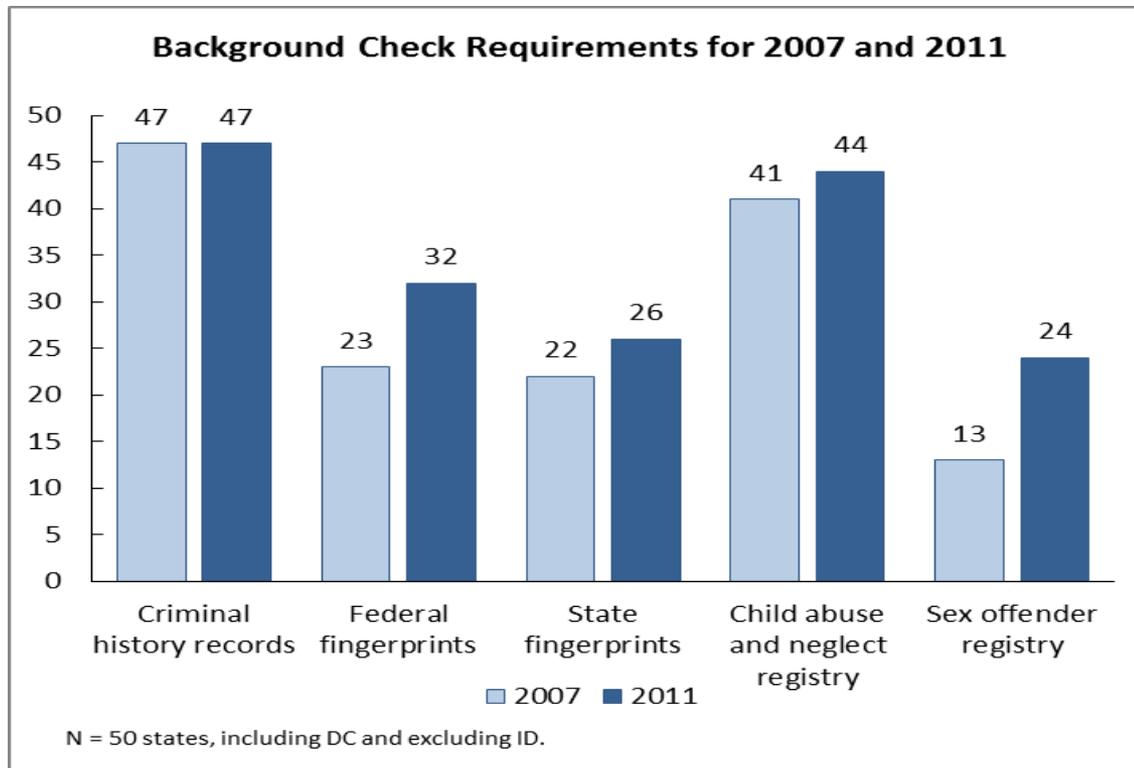*National Center on Child Care Quality Improvement*

# Georgia, con.

- Providers had 3 years to meet new requirements – enacted in 2009
- No grandfathering, there will be a waiver process for Lead Teachers with 7 years in licensed programs
- State provided grants and scholarships to help with costs of attaining educational qualifications
  - ❖ Financial rewards for educational attainment
- There are alternatives to the CDA that are accepted, including technical college certificates.

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# Changes in Ongoing Training Hours

- Five States added an ongoing training requirement for at least one center role
  - ❖ DC, MI, MT, NC, NH

- Ten States increased the number of training hours required for at least one center role
  - ❖ AR, AZ, CO, DC, DE, MD, MI, MT, NC, NH

- Median number of hours increased from 12 to 15
  - ❖ Head Start requires 15 hours annually
  - ❖ Caring for Our Children recommends 24 hours annually

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# Background Checks

● All States require at least one type of background check for center staff prior to hiring.



**Background Check Requirements for 2007 and 2011**

| | Criminal history records | Federal fingerprints | State fingerprints | Child abuse and neglect registry | Sex offender registry |
|---|---|---|---|---|---|
| 2007 | 47 | 23 | 22 | 41 | 13 |
| 2011 | 47 | 32 | 26 | 44 | 24 |

N = 50 states, including DC and excluding ID.

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# Ratios and Group Size

- Six States lowered ratios for at least one age group of children
  - DE, ME, MI, SC, NC, VA
  - States also include ratios in QRIS as a way to improve them, but voluntary
- Four States lowered group size for at least one age group
  - ME, OH, UT, WI
  - Michigan added a requirement for group size for infants and toddlers
- Most common ratios and group sizes are still higher than Caring for our Children recommendations

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# Child-Staff Ratios in 2011

| Age of Children | Lowest Required Ratio | Number of States | Highest Required Ratio | Number of States | Most Common Ratio | Number of States | CFOC Guidelines |
|---|---|---|---|---|---|---|---|
| **Infants** | | | | | | | |
| 9 months | 3:1 | 3 | 6:1 | 5 | 4:1 | 32 | **3:1** |
| **Toddlers** | | | | | | | |
| 27 months | 4:1 | 4 | 12:1 | 2 | 8:1 | 10 | **4:1** |
| **Preschool-age children** | | | | | | | |
| 3 years | 7:1 | 2 | 15:1 | 4 | 10:1 | 23 | **7:1** |
| **School-age children** | | | | | | | |
| 5 years | 9:1 | 1 | 25:1 | 2 | 15:1 | 14 | **8:1** |
| 10 years | 10:1 | 1 | 26:1 | 1 | 15:1 | 16 | **12:1** |

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# Frequency of Inspections

- More than 20 percent of States reported an increase in the number of inspections conducted each year

- A large number now inspect more than once a year

- Four States that inspected less than once a year in 2005, now inspect at least once a year
  - AL, AK, MA, NY

- *Caring for Our Children* recommends at least two licensing inspections per year

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# Frequency of Inspections

| Frequency of Inspections in Child Care Centers | Number of States | |
| --- | --- | --- |
| | 2005 | 2011 |
| More than three times a year | 3 | 4 |
| Three times a year | 3 | 3 |
| Twice a year | 7 | 14 |
| Once a year | 27 | 25 |
| Once every 2 years | 6 | 2 |
| Once every 3 years | 0 | 0 |
| Less than once every 3 years | 1 | 1 |
| Facility not inspected | 0 | 0 |
| Other frequency of inspection | 3 | 1 |

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# Monitoring Tools

- 26 States use differential monitoring; increased from 11 States in 2005
  - ❖ Frequency and/or depth of monitoring based on a facility's compliance history

- More than 55 percent of States report using abbreviated compliance forms
  - ❖ A shortened list of requirements checked during inspections
  - ❖ Most select rules based on those considered most critical to protecting children's health and safety

- 13 States have a system of weighted licensing
  - ❖ Rules are ranked for relative risk of harm

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# Use of Technology

- Mobile technology for monitoring visits
- Automation to support risk management and consistency in enforcement actions
- Linkages with other systems
- Online licensing information for consumers
- Online resources and alerts for providers

*Licensing and Technology: The Next Generation* (Sept. 2012), by NCCCQI

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# Mobile Technology for Monitoring Visits

- 33 States report using portable devices during inspections
  - ❖ 19 additional States since 2005
  - ❖ 18 States considering the use of devices

- Increased sophistication of hardware, software and opportunities for broad utilization

# Support for Risk Management and Consistency in Enforcement Actions

●*Strong Licensing: The Foundation for a Quality Early Care and Education System* (NARA & Lapp-Payne, 2011) suggests the use of data to:

*examine associations between and among specific program requirements, violations, compliance histories, and relative risk for licensed facilities, then tailor the scope or frequency of inspections or greater attention to those requirements and facilities.* (p. 37)

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# Support for Risk Management and Consistency in Enforcement Actions

- To assess potential enforcement actions (e.g. risk management) – 33 states

- Licensing Key Indicators – a subset of regulations that statistically predict overall compliance with all the licensing rules.

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# Linkages with Other Systems

- Child care subsidy system
    - ❖ Enforcement actions monitored
    - ❖ Electronic notice automatically generated

- QRIS or other quality system

- Child Protective Services

- Criminal background check databases

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# Linkages with Other Systems (con.)

- Child Care Resource and Referral

- Child and Adult Care Food Program

- Professional development practitioner registry

- Consultant or training registry

Licensing databases will be essential to any coordinated state early care and education data system.

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# Online Licensing Info for Consumers

- 30 States post licensing information on the Internet for parents and the general public
  - ❖ 10 states in 2005

  - ❖ Full licensing inspection report – 16 states
  - ❖ Summary of inspection report – 13 states
  - ❖ All complaints are included – 6 states
  - ❖ Only substantiated complaints – 19 states
  - ❖ Complaints not included – 5 states

- Guidance is essential!

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# Texas On-line Communication

● For consumers

  ❖ Search Texas Child Care: type of care, location, services, name or address

  ❖ Parent's Guide to Child Care

  ❖ Inspection reports and complaints

  ❖ *Don't Be in the Dark* consumer education campaign

  ❖ Links to Child Safety campaigns and messages

  ❖ Links to online training designed specifically for parents of infants and toddlers

  ❖ Links to other state agencies

www.dfps.state.tx.us

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# Online Resources and Alerts for Providers

- Licensing requirements

- Updates to the licensing program

- Guidance such as interpretive guidelines

- Online applications

- Links to training resources

- Requests for feedback

- Automated provider notices
  - ❖ Email messages
  - ❖ Alerts on emergency preparedness, outbreaks

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# Licensing in a Cross-Sector System – Key Points

- Licensing agencies have the widest reach to largest number of providers of early care and education
  - Frequent communication with providers
  - On-site technical assistance
- Licensing agencies impact the largest number of children in licensed care
  - There are more than 10 million licensed slots
  - On average, 80% of children in the subsidy program are in licensed/regulated care each month
- Provide data on accessibility and quality
- Provide valuable information to parents about the health and safety conditions of programs
- Licensing needs and deserves our recognition and support

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# Resources

- State licensing requirements – http://nrckids.org/STATES/states.htm

- Caring for Our Children - http://nrckids.org/CFOC3/index.html

- National Association for Regulatory Administration - http://www.naralicensing.org

- *Strong Licensing: The Foundation for a Quality Early Care and Education System* (NARA & Lapp-Payne, 2011) – http://www.naralicensing.drivehq.com/publications/Strong_CC_Licensing_2011.pdf

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# Reflections or Questions?

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# Thank You



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