



CONTEMPORARY ISSUES IN LICENSING: Building and Physical Premises Safety in Child Care

Introduction

While child care licensing standards generally address overall child well-being, minimizing the risk of physical harm is the foundation of child protection. Ensuring that buildings are structurally sound and free from hazards, food service and sanitation practices are followed, and program policies prepare staff to act in the case of emergencies are essential to effective monitoring. State child care licensing agencies coordinate in various ways with state and local authorities in an effort to ensure that children remain safe and healthy and that monitoring is efficient (not duplicative). This brief, one in a series, addresses States' sometimes complicated monitoring practices regarding build and physical premises safety and offers questions for consideration—based on lessons learned from nine States—about effective coordination strategies.

This brief is organized primarily into five sections:

- Environmental health;
- Fire safety;
- Playgrounds;
- Building codes; and
- Zoning.

Within each of these sections, standards and oversight and the state licensing agencies' roles in the coordination inspections and standards are described.

<u>Content</u>	<u>Page</u>
Introduction	1
Background	2
Methodology	2
Environmental Health Inspections	2
Fire Safety	4
Playground Inspections	6
Building Code Inspections	7
Zoning Approval	8
Coordination Between Agencies	9
Summary	10
References	11
Appendix A - Environmental Health Inspection Requirements in 2011	13
Appendix B - Fire Inspection Requirements in 2011	17

Background

The Child Care and Development Fund (CCDF) mandates that providers receiving federal funds must be licensed or regulated in their jurisdiction under state or tribal law, or must be legally exempt from regulation. They also must meet health and safety requirements that include building and physical premises safety.

An audit by the HHS Office of the Inspector General (OIG) (1994) revealed a significant number of health and safety violations among child care facilities. The top two areas of noncompliance were *unsanitary conditions* and *facility hazards*. The OIG attributed these violations primarily to weak monitoring and enforcement practices by States. The weak monitoring and enforcement resulted from announced (rather than unannounced) inspections, infrequently enforced sanctions, a lack of interagency coordination on inspections and insufficient numbers of inspectors in the States. An OIG audit in 2013 found that many States do not meet the recommendation of *Caring for our Children*¹ that each provider undergo at least two inspections each year, with at least one of the inspections being unannounced.

Methodology

To support the Office of Child Care's goal of children served in safe, healthy child care settings, the National Center on Child Care Quality Improvement (NCCCQI) contracted with a group of consultants with expertise in administering and researching licensing systems to prepare a series of written briefs about critical licensing issues.

The information provided in these briefs was obtained by surveying and interviewing representatives of state licensing agencies in nine States: **CT, FL, GA, NC, OH, OK, TX, UT, and WA**. The States selected are not a representative sample but were chosen based on the consultants' knowledge that they are implementing effective and innovative practices which may be helpful to other state licensing agencies. Additionally, an effort was made to achieve some degree of geographic representation through the States selected.

Licensing personnel from the nine States selected first completed a written survey instrument and then spoke with the consultants in a telephone interview. All individuals interviewed were licensing agency directors or top-level administrators.

Information from *Research Brief #1: Trends in Child Care Center Licensing Regulations and Policies for 2011* (National Center on Child Care Quality Improvement [NCCCQI], 2013) and *The 50-State Child Care Licensing Study: 2011-2013 Edition* (National Association for Regulatory Administration [NARA], 2013) also included to provide national data and context to the information gathered from the nine States. Both of these reports include data gleaned from a national survey of licensing agencies conducted by NARA. Responses to the NARA survey were received from licensing agencies in all 50 States and the District of Columbia.²

Environmental Health Inspections

Child care licensing rules typically require licensed facilities to meet the requirements of the state or local environmental health authority, or include specific environmental health-related standards. When specific standards are included in licensing rules, they may address categories such as sanitation, hand washing, food

¹ *Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Out-of-Home Child Care Programs, 3rd Edition* (2011), by American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. Available at <http://cfoc.nrckids.org/>.

² For the purposes of these reports, as well as in this brief, the District of Columbia is included in state counts and not listed separately.

service, and private water supply. Often the licensing rules do not cover all aspects of environmental health creating a need for other state and local agencies to inspect child care providers. When there is overlap between the licensing agency standards and the standards of other state agencies, the licensing agency must take the initiative to ensure the standards are not in conflict. In some cases, the licensing standards will indicate that the provider must comply with the standards of another state agency but licensing staff generally do not monitor providers for compliance with these standards. In its survey of state licensing agencies NARA (2011) defined an **environmental health inspection** as:

An inspection of child care facilities conducted by the health department, or other entity, for compliance with the state’s environmental health codes and laws. This inspection is in addition to those conducted by the licensing agency.

NARA found that more States require environmental health inspections for child care centers than family and group child care homes. As shown in the table below, of the 39 States that require environmental health inspections, only 19 require annual inspections of centers. States’ frequency of environmental health inspections for centers, family child care (FCC) and group child care homes (GCC) are included below (NARA, 2013). Appendix A includes a table that lists the States that require licensed child care providers to have environmental health inspections in 2011.

States’ Frequency of Environmental Health Inspections

Frequency of Environmental Health Inspections*	Child Care Centers (N=39)	FCC Homes (N=12)	GCC Homes (N=18)
Once a year	19	7	11
Once every two years	8	1	2
Once every three years	3	1	1
Other frequency	10	6	6

*Note: Some States reported more than one frequency.
 N=The number of States that require inspections.
 (NARA, 2013, p. 70)

The responsible agency and frequency of inspections often varies by State, as does the role of the licensing agency.³ For example, in **Connecticut**, the local health department inspects items such as meal service and the kitchen, the condition of the well, and the water quality (done with a separate checklist) for centers and group child care homes only. Connecticut licensing staff inspect the observable health and safety areas such as hand washing and diaper changing. In **Oklahoma**, the State Department of Health conducts the environmental health inspections of the kitchen (a typical restaurant-type inspection), while licensing staff inspect other environmental health standards not addressed by the health department. Since 2010, environmental health inspections in **Florida** are conducted by licensing staff as part of the licensing process to eliminate duplication.

Conducting environmental health inspections requires staff and other resources. States take different approaches to covering these costs, which may depend on the scope of the inspection and vary from one area of the State to

³ For an overview of recommended physical facility and environmental health standards, see *Caring for Our Children*, Standard 5.2 Quality of the Outdoor and Indoor Environment at <http://cfoc.nrckids.org/StandardView/5.2>. A subset of these standards is available in *Stepping Stones to Caring for Our Children* at <http://nrckids.org/index.cfm/products/stepping-stones-to-caring-for-our-children-3rd-edition-ss3/>.

another. Costs may be charged to the state's general fund, the licensing agency (**OK**) or by charging the provider (**GA, OH, UT**). In **Washington**, the provider is charged a fee only if a full assessment is required by a subject matter expert, for example for a lead-based paint assessment. Some local health departments in **Connecticut** and cities and counties in **Texas** charge a fee for inspections.

Fire Safety

Child care programs are often monitored by licensing and the state or local fire authority for compliance with fire safety requirements. In its survey of state licensing agencies (2011), NARA defined a **fire safety inspection** as:

An inspection of child care facilities conducted by the State Fire Marshal, or other fire safety entity, for compliance with the state's fire safety codes and laws. This inspection is in addition to those conducted by the licensing agency.

States vary in how frequently they conduct these inspections and the frequency varies further by the type of facility.

- **Centers**

Fire inspections of child care centers may be conducted by the State Fire Marshal's office or a local fire authority trained by that office and often depend on available resources. Similar to environmental health inspections, licensing agency staff usually monitor the requirements that are in the child care regulations and those most easily observed, such as the presence of fire extinguishers and records of fire drills. They rely on the fire authorities to assess requirements that are more difficult to observe or more technical to evaluate, such as means of egress.

- **GCC Homes**

The agency responsible for conducting fire safety inspections of group child care homes sometimes differs from the agency conducting inspections for centers. There is often more local involvement in conducting these inspections and more responsibility falls to child care licensing agencies.

Fire inspections are most frequently required for initial licensure and less frequently for license renewal and ongoing monitoring.

- **FCC Homes**

There is less oversight of fire safety in FCC homes. However, there may be a greater potential for fire safety issues in homes: meals are prepared near where the children are receiving care and the use of candles and space heaters is more common, among other hazards.

State licensing rules generally require providers to meet state or locally-adopted fire safety standards and specify the frequency of inspection by the fire authority. Additionally, child care licensing rules also contain specific fire safety requirements that are monitored by licensing staff, e.g., working smoke detectors, fire extinguishers, posted evacuation routes and records of fire drills.

State and local fire authorities may adopt specific editions and portions of the National Fire Protection Association's (NFPA) *NFPA 101: Life Safety Code* and the *International Fire Code* by the International Code Council for child care oversight. Some of the recommended features for inspection included in the *Life Safety Code* are: doors, panic hardware or fire exit hardware, stairs, number of exits, travel distance to exits, interior finishes, extinguishment requirements, emergency lighting, furnishing and decorations, and relocation drills. Few States follow all child care related standards in the current *Life Safety Code*, for example, staff-child ratios for infant care may differ, or some States may have adopted portions of an earlier version of the code as it is published every

three years. Definitions of child care occupancy may vary significantly from the state licensing definitions. Additional information about the code is available on the NFPA Web site at www.nfpa.org/101.

According to the NARA licensing report (2013), all States require fire safety inspections of centers by a fire authority, but far fewer require inspections of FCC homes. In **Texas**, licensing does not require fire safety inspections of group or family child care homes, although local ordinances may require them. However, child care homes must obtain written approval from the state or local fire marshal if care is provided above or below the ground floor of the home. The table below shows the frequency of fire inspections, with most States conducting them annually. Appendix B includes a table that lists the States that required licensed child care providers to have fire safety inspections in 2011.

States’ Frequency of Fire Safety Inspections

Frequency of Fire Safety Inspections*	Child Care Centers (N=50)	FCC Homes (N=21)	GCC Homes (N=26)
Once a year	28	8	16
Once every two years	11	4	2
Once every three years	1	1	1
Other frequency	13	11	11

*Note: Some States reported more than one frequency.
 N=The number of States that require inspections.
 (NARA, 2013, p. 70)

While fire authorities continue to play the major role in initial fire inspections, licensing staff are very involved in ongoing monitoring of fire safety standards. In the States interviewed, licensing staff monitor some aspects of fire safety during initial and periodic inspections of both centers and homes. In the interest of protecting children, licensing staff observe and note conditions that may put children’s safety in jeopardy, regardless of whether it’s a licensing or a fire safety standard. This requires that licensing staff be knowledgeable about fire safety requirements and able to apply the regulations in diverse settings. In **North Carolina**, the licensing staff focus on fire safety standards that are easily observed such as fire exits.

Licensing agencies that are unaware of the fees charged to programs may not have a full understanding of the burdens and challenges providers face in becoming licensed.

Costs associated with conducting fire safety inspections, including staff time and travel, may be absorbed by the various agencies while some states choose to charge the provider a fee to offset the costs. Some licensing agencies interviewed were not aware of whether a fee was charged in some counties and what the cost was, if any.

In five States (**CT, GA, OH, OK, and TX**) fees to providers vary by the local fire authority. In **Utah**, the provider pays the local fire authority for the inspection, and the fee varies by city.

In **Washington**, the state licensing agency pays the fees to the State Fire Marshal. Inspection fees differ per type of inspection—initial inspections are \$269, environmental change request inspections are \$188, critical inspections based upon licenser request due to complaint or monitoring are \$237, and follow-up inspections are \$164. Additionally, in Washington there have been issues related to use of older school buildings for child care. In some cases, licenses have been denied because of building safety issues. Recently the State Fire Marshal’s Office

adopted new rules that allow older versions of the fire code to be applied in approving school buildings for child care.

Playground Inspections

The U.S. Consumer Product Safety Commission's (CPSC) National Electronic Injury Surveillance System (NEISS) collects current injury data associated with consumer products from U.S. hospital emergency departments across the country. NEISS data (CPSC, 2012) show that more than 246,000 children ages 14 and younger were treated in hospital emergency departments for playground-related injuries. In *Special Study: Injuries and Deaths Associated with Children's Playground Equipment* (Tinsworth & McDonald, 2001), data show that in a one-year period, about 75 percent of injuries occurred on equipment designed for public use, and of those, 10 percent were in commercial child care settings. In addition, about three-fourths (79 percent) of the injuries that occurred on public equipment involved falls, primarily to the surface below the equipment.

Falls are also the leading cause of nonfatal injuries for all children ages birth to 19 years. Every day, approximately 8,000 children are treated in U.S. emergency rooms for fall-related injuries. This adds up to almost 2.8 million children each year (Centers for Disease Control and Prevention, 2012).

Although there are no national data available on how frequently child care playgrounds and outdoor play spaces are inspected, the information collected for this brief suggests that child care licensing agencies take this responsibility seriously. All of the States interviewed inspect the outdoor play space before licensing centers and both large and small FCC homes and inspect them as part of ongoing monitoring.

States' child care licensing rules generally include requirements on fencing, equipment safety, fall zones, and maintenance; and often refer to the Consumer Product Safety Commission's (CPSC) *Public Playground Safety Handbook*.

Child care licensing staff in all of the States interviewed have the responsibility for monitoring child care playgrounds. This adds to their responsibilities and requires a unique body of knowledge and skills.

- In seven of the nine States interviewed (**CT, FL, GA, NC, OK, TX, and WA**), playground inspections in all types of programs are conducted by licensing staff or consultants. **Oklahoma** and **Florida** noted that this is done during every regulatory visit;
- In **Ohio**, licensing staff conduct inspections of the playgrounds at centers and group child care homes during each visit, if the weather permits. County staff conduct inspections of playgrounds for all small child care homes.
- **Utah's** accredited playground inspectors are part of the licensing staff and also carry a licensing caseload;

In the last three decades, several groups, including the National Recreation and Park Association and the National Program for Playground Safety, have developed and offered playground certification training to prepare child care licensing staff and others to inspect child care playgrounds. Since licensing staff have the primary responsibility for playground safety in most types of programs, States have taken steps to help prepare them for this role. Some States, such as **Utah**, require some of their licensing staff to become nationally certified as playground inspectors and provide staff with the tools needed to conduct playground inspections. Some States designate individuals as playground specialists, who serve as consultants to the other staff and perform most or all of the playground inspections.

- In **Connecticut**, two licensing staff who are nationally-certified playground inspectors, are available to consult and assist other licensing staff when playground issues arise. Licensing regulations also allow staff to request an inspection by an independent certified playground inspector if the playground or playground equipment is new. Centers are responsible for hiring a certified inspector if licensing deems it necessary;
- In **Utah**, four certified playground inspectors within the licensing agency conduct playground inspections at centers, group child care homes, and FCC homes, and provide staff training;
- One licensing staff member in **Texas** is a certified playground inspector, developed the licensing rules related to playgrounds, and serves as a consultant to other staff;
- In **Florida**, several licensing staff in each region receive their certification each year and retraining is required every five years; and
- **North Carolina** licensing staff are equipped with a playground and safety inspection bag that includes tools to check the depth of the impact-absorbing materials, and to check for entrapment and other hazards.

Building Code Inspections

There are no national data available on how many States require building code inspections for child care facilities. In general, among the States interviewed, building code inspections are not required in order for child care programs to become or remain licensed. Building codes often address both construction standards as well as fire safety rules and health stipulations such as adequate air circulation, washrooms, and plumbing facilities. Building inspections are more frequently required for centers than for FCC homes. If required, they are conducted at initial licensure or when there are facility changes. Several States noted there have been issues related to building code approval for programs located in schools and other facilities that are subject to other sets of building codes, or that are exempt from licensing because they are under the authority of other agencies.

Centers

- In **CT, FL, GA, OH, NC, and WA**, centers must meet local building codes prior to licensure;
- In **Texas**, the requirement for building code inspection of centers varies across the State;
- In **Oklahoma**, centers are inspected for building code compliance only if a concern exists or the municipality requires it; and
- **Utah** does not require a building code inspection of child care centers except for the inspection conducted by the local fire department.

GCC Homes

- Building code inspections are required of large FCC homes in **NC** (for initial license) and in **CT, GA, and OH**; and in **OK** and **WA** where the requirements vary across the State.
- In **TX**, licensing does not require building code inspections of group or family child care homes, although local ordinances may require them.

FCC Homes

- Building code inspections are not required of FCC homes except in **Washington** where they are performed locally and the requirement varies across the State.

School-Age Programs

- In **Connecticut**, legislation was passed to exempt programs that serve exclusively school-age children from some physical plant requirements that are not applicable to that age group.

Zoning Approval

Zoning approval may be required in order for child care programs to become licensed. The requirement for zoning approval varies from State to State and by type of program, but is generally the responsibility of local authorities. Zoning approval for centers is required in six of the nine States surveyed, and in four of the nine States surveyed for group child care homes. Few state licensing rules require zoning for small FCC homes, but local ordinances vary by county or city. Through the enforcement tool of zoning, such matters as population density, availability of open space, the size of lots and buildings and their relationship to each other, the availability of parking, and the compatibility of land use can be established and regulated by the local community. Licensing agency staff are less involved in zoning approval issues and may not be knowledgeable about the requirements because they differ by municipality.

With regard to child care facilities, zoning may be viewed as a positive regulatory instrument to protect the interests of both the community and the children being served.

Issues with Zoning and Building Codes

It's not typical for child care licensing regulations to include specific building and zoning requirements although they often reference local building and zoning codes.

Zoning and building codes are sometimes an obstacle to licensure of child care homes and school-age programs, presenting an opportunity for coordination between licensing and building and zoning authorities. When asked about zoning issues, several States noted that differences between local requirements and state child care rules can be confusing to providers and make it more difficult for them to become licensed. For example, local zoning authorities may limit the number of children in care at one time to fewer children than the State allows. It may be difficult for state licensing agencies to provide support to potential or existing providers because the zoning regulations vary from one local area to another. Zoning issues may also result from homeowner association rules. Communication between licensing and local zoning and building officials vary from State to State. The National Association for Family Child Care (NAFCC) issued a position statement about zoning and restrictive covenants prohibiting family child care⁴ that states:

It is the position of the National Association for Family Child Care, a membership and advocacy organization for family child care providers, that family child care must be protected by state law as a residential use. States should enact both preemptive zoning legislation and legislation declaring family child care to be a residential use that shall not be prohibited by restrictive covenants (NAFCC, 2008).

Georgia raised several concerns with zoning codes. Many residential districts in Georgia do not allow group child care homes (licensed for 7-18 children by current Georgia definition). In some urban areas of Georgia, zoning ordinances are more stringent than the state rules on playground location, type and height of fencing, and other playground requirements. Additionally, some municipalities will not provide zoning verification for the FCC home

⁴The NAFCC position statement about zoning and restrictive covenants is available at http://www.nafcc.org/index.php?option=com_content&view=article&id=382:position-statement-zoning-and-restrictive-covenants-adopted-january-2008&catid=63&Itemid=366.

applicant before licensure. This is a problem because licensing must verify whether a provider is allowed to operate at their existing location prior to licensure.

In **Utah**, as in **Georgia**, some residential districts do not permit group child care homes. Additionally, some homeowners associations do not allow group child care homes to have fences around outside play areas.

Connecticut statutes mandate that licensed family child care homes shall not be subject to any conditions on the operation of such home by local officials, other than those imposed by the licensing agency.

Coordination Between Agencies

Child care licensing agencies have an opportunity to coordinate with environmental health, fire safety, and building and zoning authorities to address the challenges of different rules, expectations, and inspection protocols. For example, **Texas** has a statute that prohibits licensing agencies from duplicating inspections. The agency developed coordination forms—one for FCC homes and one for centers—to aid staff in this process. This section offers some approaches toward coordination that the States interviewed have taken.

Coordination Between Child Care Licensing and Environmental Health

The level of coordination between the state licensing offices interviewed for this brief and the environmental health agencies varied from frequently or routinely to an as-needed basis. Some States have regular meetings with environmental health because both agencies are part of a state coordinating committee. Some licensing issues, such as the presence of septic tanks, may call for coordination on a more frequent basis.

- **North Carolina** reported quarterly meetings with the environmental health agencies; and
- In **Georgia**, a certificate of approval is required from environmental health and additional coordination may be required if a program has a septic tank or uses well water.

Connecticut's child care licensing agency also coordinates with the Connecticut Department of Public Health's Child Day Care SAFER [Screening Assessment for Environmental Risk] Program. This program identifies existing or new child care facilities on land or in buildings that could be impacted by hazardous chemicals and "establishes procedures to help ensure that [child care facilities] are safe from hazardous chemicals contaminating the land or buildings." The SAFER program also helps child care programs be more "environmentally safe and green." Additional information about SAFER is available on the Connecticut Department of Public Health Web site at <http://www.ct.gov/dph/cwp/view.asp?a=3140&q=456216>.

Coordination between Child Care Licensing and Fire Authorities

It appears, from interviews with the nine States, that child care licensing agencies coordinate more frequently with state and local fire authorities than with environmental health authorities.

- Licensing staff in **Washington** meet with fire safety personnel on a regular basis;
- In **Ohio**, these meetings are held quarterly; and
- Other States meet with fire safety offices when needed (for example, when specific concerns arise).

Cooperative Agreements or Memorandums of Understanding

Some States have approached this challenge by developing a cooperative agreement or Memorandum of Understanding with other agencies at the state or local level. **OK, OH,** and **WA** have agreements with environmental health and fire safety. Additional efforts to establish such agreements could be helpful—seven of the nine States interviewed reported issues that needed to be resolved with one or more of the agencies involved in child care monitoring. Four States reported issues with environmental health, six States with fire safety, and seven States with zoning approval.

Joint Training

Several of the States interviewed conduct joint training with other departments responsible for child care program approval.

- **NC, TX,** and **WA** conduct joint training with environmental health. In **North Carolina**, licensing staff join new environmental health staff at an annual training; the licensing agency invites other agencies to attend its events as well;
- **GA, TX,** and **WA** conduct joint training with fire safety officials that is facilitated by both agencies; and
- In **Georgia**, the licensing staff conduct joint training monthly with fire safety personnel for potential applicants applying for licensure.

Summary

The States interviewed for this brief report a wide variety of practices in the monitoring of fire safety and environmental health within and across States, indicating less involvement of other agencies with expertise in these specialized areas. Instead, licensing agencies are absorbing more and more of these inspections without increased resources and with varying amounts of specialized training. A concern of overlapping standards and FCC homes facing multiple inspections from a number of different agencies is not supported by this survey. When other regulatory agencies are involved, it is often only for initial licensing and not on an annual basis.

States may wish to consider these questions:

- Can licensing staff develop the expertise in these specialized areas without the specialized training afforded to fire, environmental health, and building inspectors?
- If licensing staff do assume an increasing role in monitoring physical premises standards, what level of training would be required?
- Will licensors' increased responsibility for physical facility safety result in less focus or expertise on the quality of programming, teacher-child interaction, play materials, etc.?
- How can the licensing agency work with local regulatory entities to ensure consistent enforcement of the state-adopted standards on physical premise safety?
- How can potential providers be informed of the costs and procedures for becoming licensed including the requirements of other state and local agencies?

While many States are improving licensing requirements with an increased focus on child development and school readiness, it cannot be overlooked that the basic purpose of child care licensing is to protect children from harm. The fiscal impact of requiring initial and ongoing oversight of child care facilities by environmental health, fire, and building officials must be balanced against the vulnerability of children in group care settings.

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Appendix A

The following table lists the States that require licensed child care providers to have environmental health inspections. These data were compiled from States' responses the 2011 National Association for Regulatory Administration's (NARA) *Licensing Programs and Policies Survey*.

Environmental Health Inspection Requirements in 2011 by Facility Type

State	Child Care Centers	FCC Homes	GCC Homes	State Comments
AK	Yes	Yes	Yes	Licensors inspect facilities at least twice a year for compliance with health and safety regulations. Department of Epidemiology conducts immunization evaluations inspections annually. Department of Environmental Conservation inspects facilities providing food services annually.
AL	Yes			Health inspections are not required for homes but may be requested.
AR	Yes			Required also for homes serving meals to more than 10 children.
AZ	Yes			
CA	Yes			Bacteriological analysis is required of Child Care Centers when water is used from a private source.
CO	Yes			
CT	Yes		Yes	
DC	Yes	Yes		This is part of the licensing inspection. Licensing staff were under the Department of Health and transferred to OSSE [Office of the Superintendent of Education] on 10/1/08.
DE				The Division of Public Health is not required under Delaware Code to conduct inspections of child care facilities. Public Health previously conducted these inspections and trained licensing staff to conduct them. Licensing Specialists now conduct the environmental health inspection. Public Health will only conduct inspections or investigations which they are mandated to do by Delaware Code but will go out if Licensing has a concern about an environmental problem or issue.
FL				Legislative changes in 2010 removed the authority for environmental health inspections from the Florida Department of Health (DOH). The Department of Children and Families has assumed the food hygiene portion of the inspections. DOH does continue to manage communicable disease outbreaks, etc.

State	Child Care Centers	FCC Homes	GCC Homes	State Comments
GA				
HI				Licensors may make a referral to one of the environmental health agencies within the State Department of Health. The only other agency that conducts an inspection along with State licensors is the Sanitation Branch of the State Department of Health if a food service permit is required for the facility.
IA				Center licensing rules do require assessments for lead and radon.
ID				
IL	Yes			
IN				
KS	Yes		Yes	Included as part of the licensing process.
KY	Yes			
LA	Yes			
MA	Yes			
MD	Yes	Yes		The Baltimore City Health Department conducts environmental health inspections in Baltimore City. Some local Health Departments or agencies may conduct environmental health inspections as part of the Use and Occupancy permitting process. Some local health departments assist licensing specialists as needed.
ME				
MI	Yes	Yes	Yes	In homes, Environmental Health Inspections only [conducted] when private water or septic.
MN	Yes			For child care centers, prior to initial licensure, the health department conducts a plan review or site inspections. The frequency of subsequent inspections will vary.
MO	Yes	Yes	Yes	
MS	Yes	Yes	Yes	The Health Department is the licensing agency for child care facilities and it is the licensing official's responsibility to conduct the environmental health inspection for food safety, potable water supply, and waste water disposal as necessary. Lead paint and playground lead testing must be done by a certified lead risk assessor.
MT	Yes			

State	Child Care Centers	FCC Homes	GCC Homes	State Comments
NC	Yes			Some local zoning ordinances require environmental health inspections for FCC homes.
ND	Yes		Yes	
NE	Yes			
NH	Yes	Yes	Yes	NA
NJ	Yes			Health inspections are required for child care centers that serve meals. All child care centers are required to submit environmental documentation to the Department of Environmental Protection and many centers are required to submit environmental documentation to the Department of Health and Senior Services.
NM	Yes	Yes	Yes	
NV	Yes	Yes	Yes	
NY	Yes			
OH	Yes		Yes	As a Rule for Food Service License, or evidence of environmental hazards (asbestos), well water testing, etc.
OK	Yes			A health inspection may be requested for any facility where a concern exists.
OR	Yes		Yes	
PA				
RI	Yes			
SC	Yes		Yes	The Licensing agency is exploring the option of incorporating health inspections into the Licensing Division.
SD	Yes		Yes	
TN	Yes	Yes	Yes	
TX	Yes			Minimum standards require health inspections unless they are not available and documentation is obtained from a local sanitation official or county judge stating inspections are not available.
UT	Yes	Yes	Yes	
VA	Yes			Not required for family day homes.
VT				
WA				
WI				

State	Child Care Centers	FCC Homes	GCC Homes	State Comments
WV	Yes		Yes	
WY	Yes	Yes	Yes	
Number of States	39	12	18	

Appendix B

The following table lists the States that require licensed child care providers to have fire inspections. These data were compiled from States' responses to the 2011 National Association for Regulatory Administration's (NARA) *Licensing Programs and Policies Survey*.

Fire Inspection Requirements in 2011 by Facility Type

State	Child Care Centers	FCC Homes	GCC Homes	State Comments
AK	Yes	Yes	Yes	Fire inspections are required for facilities caring for six or more children. Special requests for inspection may be made by the licensor to the Fire Marshal's office for facilities caring for five or less.
AL	Yes	Yes	Yes	
AR	Yes			Homes are only required to have a fire inspection if they are caring for more than 10 children or if the city in which they are located requires an inspection.
AZ	Yes			
CA	Yes		Yes	
CO	Yes			In some local jurisdictions the fire department requires approval of basements in FCC homes prior to licensing. Colorado is a home rule state, the local governments adopt their own building and fire codes.
CT	Yes		Yes	Annual fire marshal certification required.
DC	Yes	Yes		Currently only initial fire inspections are done for homes.
DE	Yes	Yes	Yes	
FL	Yes		Yes	
GA	Yes		Yes	
HI	Yes			
IA	Yes			
ID	Yes		Yes	
IL	Yes	Yes	Yes	
IN	Yes			Also [required] for unlicensed registered child care ministries.
KS	Yes		Yes	
KY	Yes			
LA	Yes			

State	Child Care Centers	FCC Homes	GCC Homes	State Comments
MA	Yes			
MD	Yes	Yes		The Office of Child Care contracts with the State Fire Marshal to conduct fire inspections in child care facilities located in certain local jurisdictions. Other jurisdictions have "Home Rule" and conduct fire inspections accordingly.
ME	Yes	Yes		
MI	Yes			
MN	Yes			A fire inspection is required for child care centers. FCC providers are required to be inspected if they meet one of the triggers in the rule.
MO	Yes	Yes	Yes	
MS	Yes	Yes	Yes	A license will not be issued or renewed unless the fire inspection is passed.
MT	Yes			
NC	Yes			Some local zoning ordinances require [fire inspections] for FCC homes.
ND	Yes	Yes		Fire inspections are not required for all small FCC homes, depending on the type of home and the location.
NE	Yes	Yes	Yes	
NH	Yes	Yes	Yes	
NJ	Yes			
NM	Yes	Yes	Yes	
NV	Yes	Yes	Yes	
NY	Yes	Yes	Yes	The Division of Child Care Services employs 18 Fire and Safety Representatives who must routinely inspect all child care facilities and homes. They inspect the house or facility for general fire and safety issues but are not required to be code-trained although many of the 18 representatives are. In their role as Fire Safety Representatives they are not code enforcement officers.
OH	Yes		Yes	
OK	Yes			A fire inspection may be requested on any type of facility where concerns exist.

State	Child Care Centers	FCC Homes	GCC Homes	State Comments
OR	Yes			Fire Marshals are very reluctant to go into private homes. If a licensing specialist sees something of concern in a home we can consult with a fire life safety expert or ask the provider to check with the local fire officials.
PA	Yes	Yes	Yes	Every facility must have a certificate of occupancy in order to receive a license.
RI	Yes	Yes	Yes	
SC	Yes		Yes	Fire Marshals are employed in the Licensing Agency.
SD	Yes		Yes	
TN	Yes	Yes	Yes	
TX	Yes			Minimum standards require fire inspections unless they are not available and documentation is obtained from a local or state fire marshal or county judge stating inspections are not available.
UT	Yes	Yes	Yes	
VA	Yes			Not required for family day homes.
VT	Yes	Yes		
WA	Yes			
WI	Yes			
WV	Yes		Yes	
WY	Yes	Yes	Yes	
Number of States	51	21	26	