



Contemporary Issues in Licensing

The National Center on Child Care Quality Improvement (NCCCQI) is pleased to announce a series of licensing reports to support the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF), Office of Child Care's (OCC), goal of children served in safe, healthy child care settings. OCC is stepping up its work with States, Territories, and Tribes to strengthen licensing standards to ensure safety, health, and well-being, while supporting child care providers to meet standards.¹

To support this effort, OCC is working with States to reform and strengthen standards to better promote the health, safety, and school readiness of children in federally funded child care. These reforms seek to strengthen health and safety standards and monitoring practices with child care providers, and provide mechanisms for parents to be informed when making choices about care for their children. While these proposed reforms will primarily impact child care supported by funding through the federal Child Care and Development Fund (CCDF), improvements in monitoring, standards, and consumer education will benefit all families seeking the best possible care for their children.

Within the early care and education system, licensing provides the baseline of protection for children and covers the broadest content, the largest number of children ages birth to school-age, and the largest population of providers. Licensing helps prevent various forms of harm to children—risks from the spread of disease, fire and other building safety hazards; injury; and developmental impairment from the lack of healthy relationships with adults, adequate supervision, or developmentally appropriate activities.

The Office of Child Care hopes that this report series, which includes research as well as examples of innovative and diverse state practices, will be helpful to state licensing agencies as they seek to strengthen their programs and better protect children in out-of-home care.

These reports and other resources about health and safety and licensing are available on the Child Care Technical Assistance Network Web site at <https://childcareta.acf.hhs.gov/topics/health-and-safety-and-licensing>.

Acknowledgements

The series of reports was developed in partnership with nationally recognized experts who researched states' licensing systems, conducted in-depth interviews with nine states, and provided examples of varied approaches that address elements of a strong licensing system. Special acknowledgement goes out to the team of experts—Judy Collins, Pauline Koch, and Beverly Schmalzried—and the nine states that contributed to the content of these reports—Connecticut, Florida, Georgia, North Carolina, Ohio, Oklahoma, Texas, Utah, and Washington.

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¹ U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Care. (2010). *Pathways and partnerships for child care excellence*. Washington, DC: Author. Retrieved from http://www.acf.hhs.gov/sites/default/files/occ/pathways_partnerships_v1_0.pdf.

Report Summaries

Child Care Licensing Inspection Policies

This report focuses on States' inspection policies and practices on monitoring providers' compliance with the law and the regulations. Inspection of child care programs by licensing agencies and other regulators helps ensure that child care programs are following state rules for protecting the health and safety of the children enrolled. Topics include authorization for inspections; frequency and type of inspection: announced or unannounced; use of technology to aid in the inspection process; and public access to inspection and enforcement actions.

Enforcement Strategies with Licensed Child Care Providers

This report focuses on effective practices for ensuring child care licensing regulations are enforced and action taken when they are not met. Topics include types of enforcement actions including preventive and corrective enforcement actions, intermediate sanctions, authority for enforcement, using technology to aid in enforcement, effectiveness of strategies with different groups of providers, and support for enforcement actions.

Monitoring Strategies for Determining Compliance: Differential Monitoring, Risk Assessment, and Key Indicators

This report describes various methods States are using to define compliance and monitor child care facilities efficiently and effectively. States' licensing systems are operating under competing pressures to both improve the health and safety of children in child care while maximizing administrative cost efficiencies. With limited resources, licensing administrators are working to ensure that monitoring visits focus on what is most important in keeping children safe. The report includes descriptions of these various methods and examples of States' use of these methods.

Enforcement and Approaches to Illegally-Operating Providers

This report focuses on defining and identifying child care providers operating illegally, the enforcement of States' statutes, and methods used to support providers in becoming licensed. It provides examples of enforcement practices, including the use of law enforcement and monetary penalties.

Reporting, Tracking, and Responding to Serious Injuries and Fatalities in Child Care

This report focuses on practices and policies pertaining to serious injuries and fatalities in child care. State examples illustrate challenges in this area but also emphasize that, when done well, the tracking of incidents helps States focus their efforts on reducing the number of children who are seriously injured or die in child care settings. Topics include data on nonfatal and fatal injuries, state regulations related to reporting serious injuries and fatalities, state tracking systems, States' use of available data, and conducting the investigation.

Building and Physical Premises Safety in Child Care

This report addresses how state child care licensing agencies coordinate in various ways with other state and local authorities to address building and physical facility safety and ensure that monitoring is efficient and not duplicative. States' sometimes complicated monitoring practices are described, and questions for consideration on effective coordination strategies are offered. The report is organized into four sections: Environmental Health; Fire Safety; Playgrounds; and Building and Zoning. Within each of these sections, standards and oversight and state licensing agencies' roles in the coordination of inspections and standards are described.

Quality Assurance in Child Care Licensing

This report focuses on activities, authority and staffing as parts of a quality assurance system designed to ensure that child care licensing rules are applied consistently and fairly across a State. Topics include the qualifications and professional development of licensing staff and States' strategies for achieving consistency in the child care licensing program (including interpretive guidelines, inter rater reliability studies, ongoing staff development, licensing data systems, observation by supervisors, and maintaining communication).

Elements of a Licensing Statute

This report focuses on the characteristics of a strong statute that provides the backbone for the creation, maintenance, and enforcement of licensing rules. Topics include definitions, exemptions, illegally-operating child care, designation of the licensing agency, delegation of rulemaking, abuse registry and criminal history checks, statutory advisory bodies, inspection, issuance of the license, penalties for noncompliance, appeal processes, and supportive services for providers and families.