



Building Support for Licensing

Ensuring the health and safety of children in child care is a top priority for the Office of Child Care (OCC), Administration for Children and Families, U.S. Department of Health and Human Services. In *Pathways and Partnerships for Child Care Excellence* (2010)¹, OCC states:

Health and safety is the foundation of quality in child care. It is the paramount concern of every parent. Under the Child Care and Development Block Grant Act, every State must operate a system of child care licensing, but in many States, those standards are not high enough to ensure the health and safety of children, they do not apply to many settings in which young children are cared for, and monitoring to ensure compliance with standards is not adequate. OCC is stepping up our work with States, Territories, and Tribes to strengthen standards to ensure safety, health, and well-being, while supporting child care providers to meet standards.

OCC has made a commitment to work with States to strengthen licensing² systems. These systems, which include child care licensing regulations and monitoring and enforcement policies, help provide a baseline of protection for the health and safety of children in out-of-home care. 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, and adequate supervision.

This paper discusses the responsibilities of licensing agencies and how they build support for their efforts from various stakeholder groups—including child care providers, consumers of child care, other governmental agencies, and the legislature. The following approaches for building support are addressed:

- Maintaining an intentional and ongoing outreach effort;
- Promoting licensing as a key to choosing child care;
- Utilizing licensing Web sites as an educational tool;
- Building support for state policies;
- Strengthening relationships with supportive groups; and
- Building on the work of national organizations.

Licensing Agency Responsibilities

State government agencies responsible for regulating child care providers often have the dual role of ensuring that providers are compliant with the licensing laws and regulations as well as educating the public on the importance of those laws and regulations in keeping children safe from harm. The National Association for Regulatory

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

² "Licensing/licensed" is defined as permission from a State that is required to operate a child care facility, which includes meeting specific program standards. Some States may call their regulatory processes "certification" or "registration;" for purposes of this research brief, the terms "licensing" or "licensed" are used to represent all regulatory processes.

Administration (NARA), in *Recommended Best Practices for Human Care Regulatory Agencies* (2009), notes the following characteristics of a strong licensing agency:

Establishes planned methods to maintain visibility, communications, and responsiveness to key stakeholders, including relevant trade and professional associations, advocacy groups, and, within host-agency guidance, members/staff of executive and legislative offices/committees and news media. Methods provide for broad staff involvement and visibility in a variety of settings and events, e.g., use of standing and ad hoc advisory groups, conference attendance and formal presentations, dialogue and training meetings, etc. (Section 1.a.i.)

States have varied processes for how regulations are reviewed, updated, approved, and promulgated. In some States, only the legislature can add new regulations; in others, the licensing agency writes the regulations and has a process for approval. In either case, the licensing agency plays a central role in developing or revising regulations and may need to seek support from other stakeholders for changes that are proposed. While the strength of regulations is a critical element of a regulatory system, other elements such as the level of monitoring and use of varied enforcement options also have a major impact on how successfully a State, Territory, or Tribe impacts the safety and quality of child care.

State licensing agencies also have a role in educating consumers about the importance of licensing as a system that has laws, regulations, monitoring processes, and other protections all working to enhance the safety of vulnerable children in child care settings. This can occur when families are choosing child care for young children and need information about the safety of an environment, the qualifications of caregivers, and other key indicators of the quality of the facility.

Approaches for Building Support

Maintaining an Intentional and Ongoing Outreach Effort

A recent report from NARA (2013) shows that licensing agencies use the following approaches to make the public aware of the role of licensing:

- 46 States use Web sites;
- 39 States use printed materials;
- 30 States use public meetings;
- 18 States use press releases;
- 8 States use social media; and
- 7 States use public service announcements.

Identifying a state-level licensing manager who can assume the responsibility for consumer awareness helps ensure that opportunities are not missed. States may rely on agency public relations staff or an external agency to help design the approach and message that will resonate with the targeted audience. Some strategies used by States include:

- **Brochures and posters**—Materials about the importance of choosing quality care for children and the role licensing plays in improving the health and safety aspects of programs can be shared at libraries, pediatricians' offices, employment offices, social service and health agencies, places of worship, and other locations where

parents go. Many hospitals provide a packet of information to parents after the birth of their child, and information on choosing child care can be included. It is important that these materials provide a simple, compelling message such as “look for the license.”

- **Electronically distributed news releases**—State agencies often have access to a network of state newspapers. News releases should include contacts with the local licensing or child care resource and referral (CCR&R) agency who can provide community statistics or recommend people to interview.
- **Public service announcements or paid advertisements**—People with public relations expertise can help craft the best message and identify the best stations and times of day to reach the intended audience. The use of nonwritten materials, such as television and radio announcements, can be especially helpful for families with low literacy levels and limited English proficiency. Videos about choosing child care and licensing can be shown in the waiting rooms of state agencies, pediatricians, etc.
- **Billboards**—Although expensive, billboards can be a very successful way to reach both families and the public at large to remind them of the State’s commitment to children in out-of-home care. In metropolitan areas, bus placards are also a highly visible approach.
- **Social Media**—Facebook, Twitter, texting, and smart phone apps are growing mechanisms for communicating to a wide audience, and they are increasingly the preferred method of communication among young parents. Many child care resource and referral and some State agencies have Facebook and Twitter pages, and several States are developing smart phone apps for child care searches. Child Care Aware of America has an app called Child Care Finder where parents can search for child care in their area including quality ratings.

While there is value in having resources and data readily available for use when opportunities arise, (e.g., presentations that can be used with legislators, civic groups, church groups, etc.) it may be beneficial to invest in a more directed campaign. A campaign can focus more broadly on the importance of quality child care to school readiness and the State’s economic development or more specifically on how licensing supports safe and nurturing child care.

A memorable slogan, such as **Texas’** “Don’t be in the Dark about Child Care!” can draw people to the Web site that explains why parents should always choose regulated care and then connects them to varied resources (http://www.dfps.state.tx.us/Child_Care/dontbeinthedark/default.asp). **South Carolina** developed a public awareness campaign with written materials, posters, billboards, and public service announcements. The campaign Web site (<http://www.scchildcare.org>) urges parents to “Take responsibility to make sure your child is in a safe place. Look. Listen. Ask. Know before they go,” using a heading, “Think License,” and providing a link to the licensing Web site.

North Carolina’s First 2000 Days campaign (the number of days between the time a baby is born and he/she enters kindergarten) features audio and video comments by North Carolina business leaders, faith leaders, law enforcement professionals, parents, educators, and others about why early childhood development is important, as well as easy ways to take action and spread the word (<http://www.first2000days.org>). Coordination with similar outreach efforts in your State that increase awareness of the needs of young children and families will help to build support for licensing.

On their first anniversary in April, 2013, **Utah’s** Care about Childcare thanked everyone involved in supporting high quality child care via Facebook. They noted that they had had over 100,000 visits to the Web site from over 43,600 different people. They showcased new features such as the ability for parents to search for child care programs according to the distance from their home or workplace (radius search). The purpose of Web site is to help Utah

parents find professional childcare and for Utah providers to share information about the quality of child care they provide (<http://careaboutchildcare.utah.gov>).

Child Care Finder is a free smart phone app for finding child care available through Child Care Aware and customized for states. Users are able to search for a child care program, and the app includes a child care checklist, an “ask the experts” feature, descriptions of provider types and links to additional resources.

Additional information about State efforts to educate consumers about choosing quality child care can be found at <https://childcare.gov/resource/consumer-education-about-child-care-options>.

Organizations that advocate on behalf of children have developed materials that provide information about how to frame the message, the use of unlikely messengers, community mobilization, and media strategies that can support an organized effort to increase awareness of licensing. Examples include:

- The Alliance for Early Success provides resources, reports, and tools on advocating for young children at <http://earlysuccess.org/>.
- Child Care Aware of America [formerly the National Association of Child Care Resource & Referral Agencies (NACCRRA)] provides tool kit advocacy basics at <http://www.naccrra.org/public-policy/advocacy-campaigns/advocacy-toolkit>.
- The Harvard Family Research Project developed the *User's Guide to Advocacy Evaluation Planning* (2009) for advocates, evaluators, and funders who want guidance on how to evaluate advocacy and policy change efforts. The guide, which recommends that evaluation planning begin at the start of the advocacy effort, is available at <http://www.hfrp.org/content/download/3460/99060/file/UserGuideAdvocacyEvaluationPlanning.pdf>.
- The Zero to Three Policy Institute describes strategies in *Partnering with the Business Community & Economists to Advance a Birth to Five Policy Agenda* (2007) at http://zttcfn.convio.net/site/DocServer/Partnering_with_the_Business_Community_final.pdf?docID=4361.

The challenge of every outreach effort or marketing campaign is that customers generally do not pay attention to information unless it is something that is meaningful to them at the time. Promotional and educational efforts, therefore, must be ongoing or repeated periodically. The resources and licensing standards must be provided in the languages used by parents. Parents choosing child care are a receptive audience, but those with children already in care should be encouraged to stay involved and continually assess the care that their children are receiving.

Promoting Licensing as a Key to Choosing Child Care

In a November 2008 poll, parents identified safety, a learning environment with trained teachers, and cost as the three most important factors when choosing child care (NACCRRA, 2009). Parents are often unaware of or do not understand the factors that contribute to a safe and nurturing environment for children. Others may be unwilling to acknowledge that their child is not receiving high-quality care. In addition, low literacy levels and limited English proficiency may also be barriers to accessing information.

Strong Licensing: The Foundation for a Quality Early Care and Education System (NARA & Lapp-Payne, 2011) notes that “Consumers must understand ‘what licensing is’ and how various community members play different roles as ‘the eyes and ears’ in helping State licensing programs adequately protect children while promoting their

development” (p. 24). Parents should be encouraged to “look for the license,” and it’s helpful if the license is visually appealing and draws attention by providing helpful information. States that use rated licenses as an approach to a quality rating and improvement system (QRIS) clearly display the rating level on the license with colored stars.

Most States provide phone numbers, often toll-free, and email links for parents to contact either the local licensing agency and/or resource and referral agency to obtain information about choosing care or to understand the licensing and child care subsidy systems. This provides an important opportunity to explain the benefits of choosing a licensed program. It is particularly helpful to focus on those standards that have the widest public support and that help parents understand the impact of regulations, e.g., criminal background checks, supervision, hazards, and discipline measures.

Staff who respond to public inquiries should have training in customer service and know how to provide appropriate, responsive, and timely information. Consumers increasingly expect to have their concerns addressed, and licensing provides that opportunity if handled well. Licensing policy should address what follow-up information is provided to the caller after an investigation is completed. Inquiries or concerns that cannot be addressed by the licensing agency should be referred to the appropriate resource. Each contact is an opportunity to educate and build support for the program and the agency.

It is important to help parents understand who is required to be licensed in their State. For example, most States do not regulate care in the child’s own home or care provided by a relative, and many States do not regulate care for fewer than three children.

When seeking support for fewer exemptions to the State’s licensing law, positions taken by national organizations can be helpful. For example, “Standard 10.3.1.1: Operation Permits” in *Caring for our Children: National Health and Safety Performance Standards: Guidelines for Out-of-home Child Care Programs, Third Edition* (American Academy of Pediatrics [AAP], 2011), states that:

Every child has a right to protective care that meets the regulations and rules, regardless of the child care setting in which the child is enrolled. Public and private schools, nurseries, preschools, centers, child development programs, babysitting centers, early childhood observation centers, small and large family child care homes, drop-in care, and all other settings where young children receive care by individuals who are not close relatives should be regulated. Facilities have been able to circumvent rules and regulations in some States by claiming to be specialized facilities. Nothing in the educational philosophy, religious orientation, or setting of an early childhood program inherently protects children from health and safety risks or provides assurance of quality of child care. (<http://cfoc.nrckids.org/StandardView/10.3.1.1>)

Utilizing Licensing Web Sites as an Educational Tool

Access to information about a provider’s licensed status and the findings from an onsite monitoring visit can provide critical information about the safety and quality of care. Some States post full licensing inspection reports, while others post only information about rule violations, complaints, and enforcement actions taken against facilities.

Based on information collected by the National Center on Child Care Quality Improvement (NCCCQI) in December 2013 (NCCCQI, 2013a), 32 States post licensing information about child care facilities on the Internet for parents

and the general public to access. Ten States posted licensing information on the Internet in 2005, with eight of those States posting information about complaints (NCCCQI, 2013b).

Licensing Information Posted on the Internet	Number of States	
	2005	2013
Licensing Inspection Reports		
Full report	7	17
Inspection summary	2	14
Licensing Complaints		
Complaint information	2	26
Complaints not posted	2	5

N = 50 States, including DC and excluding ID.

Note: In some cases, States only post information about complaints on the Internet; they do not include inspection reports.

Web sites can be a very effective way to disseminate information to consumers, funders, and providers; however, the Web sites need to be easily accessed, attractively designed, easy to navigate, and kept up-to-date with the most current information. In many States, guidance for parents in choosing care and understanding the State’s licensing program is made available through a checklist or video. If a link to the state licensing requirements is provided, parents can become better consumers and increase their understanding of the role of licensing. The Internet, which is a growing source of information for all families, creates the opportunity for States to provide information in multiple languages.

Assistance in interpreting inspection reports or summaries, including definitions, explanations about monitoring visits and complaint investigation findings, and frequently asked questions, is also advisable. When a parent opens the licensing visit history for a facility, **New Hampshire** provides the following guidance:

Details of program visits, including violations and the corrective action plans, are available in the statement of findings for each visit. Violations are issued as part of our process to help programs come into compliance with the rules that help ensure the health and safety of each child in care. A range of possibilities exists for any type of violation and there may be varying degrees of a violation. It is important to read all evidence and the program's corrective action plan. A family can learn a lot about a program by reading how they resolved an issue.

Descriptions and links to a sample of State licensing Web sites can be found in *Licensing Information Posted on the Internet* (July 2013) at

https://childcareta.acf.hhs.gov/sites/default/files/960_1307_lic_info_posted_on_internet_final.pdf.

Building Support for State Policies

The development of or revisions to licensing rules provides an excellent opportunity to educate communities and learn from stakeholders, including parents, health professionals, child development experts, and advocates. Well-publicized public hearings held at convenient times and places across the State as well as different ways to provide written input increase a shared commitment to children in child care. Chapter 2 of the *NARA Licensing Curriculum* (2000) provides a list of “DOs and DON’Ts of Community Participation,” such as “DO...Appoint one agency staff

person as the key external spokesperson for the agency so that external groups receive a consistent message. Confused and conflicting messages lead to resentment and distrust.”

In reviewing public responses to newspaper articles or blogs about child care licensing, comments often reflect frustration when regulations are not understandable to an average citizen or are seen as overly restrictive. Readers not familiar with current research findings may view regulations as unnecessary for the protection of children or take offense if the regulations pertain to practices or environments that exist in their own homes. While there is no way to monitor all of the interaction that is now occurring in social and electronic media, agencies can take the lead in responding to some of the misinformation and contributing to the discussion. It helps if the public can have a deeper understanding of licensing’s role in monitoring and enforcement, coupled with its focus on technical assistance, consultation, and providing access to resources.

Despite best efforts, tragedies do occur and, in some cases, have resulted in policy changes. For example:

- Increased monitoring, additional staff, and revised regulations resulted from vehicle-related accidents in **Tennessee**.
- The family of an **Oklahoma** child who sustained serious and ongoing health problems after being left in a hot car successfully advocated for the passage of Demarion’s Law in 2008 to require insurance for providers as a new licensing requirement.
- In 2010, **Kansas** enacted Lexie’s Law, named after a toddler who died in a family child care home. It marked the first major change to the State’s child care standards in more than three decades. The law resulted in improved health, safety, supervision, and training standards and required registered family child care homes to be inspected and become licensed. There has been very positive media coverage of the improvements, such as a July 2012 *Wichita Eagle* article at <http://www.kansas.com/2012/07/19/2417655/lexies-law-raised-standards-for.html#storylink=cpy>.

The public needs to better understand how licensing can help protect against care that puts children’s health, safety, and possibly their lives at risk. While licensing should not be promoted as a guarantee of safety, statistics on child deaths in unregulated care can be used to demonstrate the value of licensing.

Strengthening Relationships with Supportive Groups

It is critical that licensing programs build relationships with other support groups that can reinforce not only the importance of oversight but also relate it to their area of expertise. Relationships can be strengthened by making presentations at meetings, seeking collaborative projects, and communicating frequently about issues and challenges. Other agencies and organizations can provide links to licensing information and resources on their Web sites.

Potential partners include:

- Child care provider organizations that are committed to quality settings or that may wish to reduce unfair competition from unregulated providers who do not have to incur the costs of ensuring a safe place for children. Provider associations can provide a compelling voice for children and families as well as fairness and equity between businesses.
- Business leaders who understand the impact that quality, reliable child care has on their current and future workforce. Most States have business leaders or groups who have become early childhood champions who

would be willing to call a legislator or write a letter to the editor in support of licensing as the foundation of child care quality.

- CCR&R agencies that have long been strong proponents of licensing and have helped educate many parents on the value of choosing a licensed provider.
- A State’s QRIS, if it is not tied to the license. QRIS are receiving significant funding support, and it should be widely noted that a successful QRIS is built on the foundation of licensing.
- State and county health agencies, which can provide statistics on how licensing regulations protect children’s health, e.g., improved immunization rates, reporting of reportable infectious diseases, and safe food practices.
- State Fire Marshal’s offices, which can remind the public of the importance of oversight and education to reduce the risk of fire.
- Child abuse prevention and family strengthening agencies that understand the role that child care providers play in supporting strong families. In many States, child care providers are mandatory reporters.
- City planning and zoning departments, which may rely on licensing agencies to make providers aware of building and zoning restrictions.
- Service providers including the agencies that authorize child care subsidies or other benefit programs, home visitors, early intervention resource managers, and pediatricians. When possible, educating these colleagues will help them feel comfortable with the message and support it.
- Early learning advisory councils, which share a common goal for the well-being and healthy development of young children and often have public awareness as a stated objective.
- Advocacy organizations, which can be especially helpful with educating legislators on licensing issues.
- Civic groups that wish to contribute to the well-being of children and families in their communities and often welcome speakers to their meetings.
- Policymakers, including State legislators, who can be sent an annual update on the licensed facilities in their districts.

Delaware’s Strategic Plan for a Comprehensive Early Childhood System (Delaware Early Childhood Council, 2013) identifies the capacity to mobilize across all sectors as the key to sustaining improvements. Twenty-two prominent business leaders are serving as advocates for a public investment in early learning as members of the Delaware Commission on Early Learning and the Economy. The commission, part of the Delaware Business Roundtable Education Committee, serves as Delaware’s leading business voice for quality early learning programs throughout the state. The strategic plan includes the need to “improve the state’s childcare licensing framework to assure greater transparency in policies and operations and improved communications with providers” (pg. 17). The full report is available at http://decc.delaware.gov/files/2013/04/EarlyChildhoodStratPlan_final-11.pdf.

Building on the Work of National Organizations

Several national organizations have position papers, evaluations of state licensing programs, and research summaries that can be used to support licensing. They often host listservs that provide links to resources that may be of value. These organizations include:

- National Association for Regulatory Administration (NARA), at <http://www.naralicensing.org>, is an international professional organization for licensors dedicated to promoting excellence in human care

regulation and licensing through leadership, education, collaboration, and services. Links to child care licensing studies and State profiles are available at http://www.naralicensing.org/Licensing_Study.

- Child Care Aware of America, formerly NACCRRA, publishes periodic reports ranking state child care center and family child care home licensing policies and regulations based upon recommended practices. These reports are available at <http://www.naccrra.org/about-child-care/state-child-care-licensing>.
- National Association for the Education of Young Children (NAEYC), at <http://www.naeyc.org>, advocates for high-quality early childhood programs; their position paper, *Licensing and Public Regulation of Early Childhood Programs*, includes a rationale for policy decisions related to licensing and regulation. It is available at <http://www.naeyc.org/files/naeyc/file/positions/PSLIC98.PDF>.

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