State & Territory CCDF Administrators Meeting

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Keeping Children Safe: Trends in Child Care Licensing

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Welcome

Session Objectives

◆ Learn about the methodology of the 2017 Child Care Licensing Study

◆ Examine study findings about facility and provider requirements and licensing agency policies

◆ Discuss supporting providers to be in compliance and promoting positive changes in licensing requirements and policies

Agenda

◆ What licensing is

◆ Overview of Child Care Licensing Study

◆ Number of facilities, exemptions, and licensing thresholds for homes

◆ Staff and provider requirements

◆ Child-staff ratios and group sizes

◆ Requirements about the care of children

◆ Health and safety requirements

◆ Caseloads and inspections

Agenda

- ◆ Enforcement strategies

- ◆ Consumer education

- ◆ Licensing staff requirements

Presentation Focus

◆ Staff, provider, and facility requirements for the following:

   ▪ Child care centers

   ▪ FCCHs (one provider caring for unrelated children in a residence)

   ▪ GCCHs (included in some data)

◆ Licensing agency policies, practices, and staff qualifications

What Is Licensing?

Child Care Licensing

- ◆ Establishes a baseline of minimum requirements below which it is illegal for facilities to operate

- ◆ Monitors child care facilities for compliance with requirements

- ◆ Affects the largest number of children from birth to school age in out-of-home care settings

- ◆ Applies to the largest population of providers

Core Purpose of Licensing

◆ To protect children in out-of-home settings

◆ To prevent harm to children from the following:

- Spread of disease

- Fire and other building-safety hazards

- Injury

- Developmental impairment from the lack of healthy relationships with adults

Child Care Licensing Studies

◆ Partnership between ECQA Center and National Association for Regulatory Administration (NARA)

◆ Research began in 2005

◆ Studies conducted in 2005, 2007, 2008, 2011, 2014, and 2017

◆ Purpose is to track changes in child care licensing policies, practices, and requirements for providers

Components of the Licensing Studies

◆ Licensing regulations for child care facilities

  ▪ Requirements that programs must meet

  ▪ Compiled from regulations posted on the National Database of Child Care Licensing Regulations

  ▪ Facility types include child care centers, family child care homes (FCCHs), and group child care homes (GCCHs)

◆ Licensing policies

  ▪ Facility monitoring, enforcement of regulations, and licensing program staffing

  ▪ Results of NARA survey of all licensing agencies

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Source of Regulations

https://childcareta.acf.hhs.gov/licensing

(National Center on Early Childhood Quality Assurance, n.d.)

Survey Respondents

◆ NARA sent survey to directors and managers of child care licensing agencies in all 50 states, the District of Columbia (DC), and five U.S. territories in March 2018

◆ Full set of responses were received by January 2019
  ▪ Fifty-one states (including DC)

◆ Licensing managers or directors are the respondents (referred to as states in this presentation)

◆ The 2014 survey had 53 responses (including two territories and DC)

(National Association for Regulatory Administration, 2017)

Trend Analysis

◆ Compared responses from 2014 survey and some previous surveys to 2017 responses

◆ Between 2014 and 2017, over two-thirds of states have changed their licensing regulations – based on dates of regulations

  ▪ Child care centers—36 states (71 percent)

  ▪ Family child care homes—31 states (70 percent)

◆ Some analysis goes back to 2005 and 2011

(National Association for Regulatory Administration, 2017)

Key Findings and Trends – Facility Requirements

◆ The number of licensed FCCHs has decreased

◆ Qualifications and ongoing training requirements increased for center staff and FCCH providers

◆ Many states added health and safety topics to training requirements

◆ More states require five types of background checks

◆ More states regulate group size for centers

◆ Emergency preparedness requirements increased for centers and FCCHs

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Key Findings and Trends – Policies and Practices

◆ Average caseloads for licensing staff decreased

◆ More states inspect at least once a year; and conduct inspections unannounced

◆ Most states continue to use monitoring strategies that promote efficiency and reward strong compliance

◆ Technical assistance to providers remains a key function for licensing agencies

◆ More states post inspection reports their websites

Number of Facilities, Exemptions, and Licensing Thresholds for Homes



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Number of Facilities and Capacity

- Licensed facilities (centers and homes): 233,251
  - Decrease in the total number of licensed facilities since 2014 (12 percent)
  - More significant decrease in FCCHs than centers since 2014 (24 percent)
  - GCCHs stayed about the same

- Total licensed capacity: 9.1 million
  - Increased by 58,928 since 2014 (0.64 percent)
  - Increased capacity in centers (4 percent)

(National Center on Child Care Quality Assurance, 2015a, 2015b, 2015c, 2019; National Center on Child Care Quality Improvement, 2013a, 2013b, 2013c)

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Number of Licensed Facilities, 2011–2017
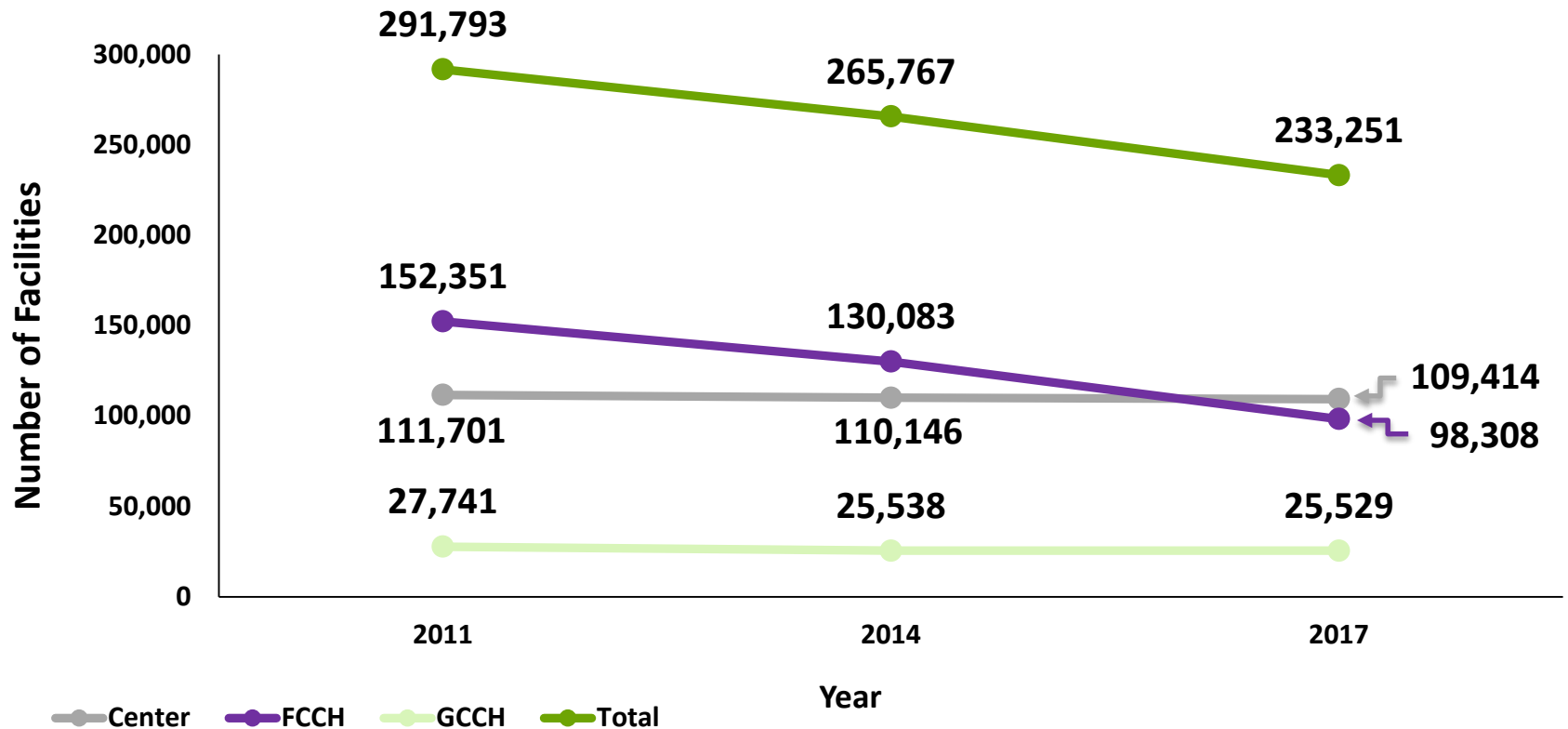
(National Center on Child Care Quality Assurance, 2015a, 2015b, 2015c, 2019; National Center on Child Care Quality Improvement, 2013a, 2013b, 2013c)

Center Licensing Exemptions

Common Licensing Exemption	Percentage of States
Facilities where parents are on the premises (for example, child care services in a shopping mall or health club)	59%
Preschool programs operated by public schools or approved by the state department of education	57%
Recreation programs, instructional classes, and club programs	55%
Summer day camps	55%
Facilities with a small number of children in care	51%
Facilities operating a small number of hours per day or week	37%
Child care services provided during religious services	31%

(National Center on Child Care Quality Assurance, 2019)

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Exemption for Religious Organizations

Twelve states have various licensing exemptions for child care programs operated by religious organizations:

◆ Programs exempt from all licensing requirements—6 states.

◆ Programs exempt from some licensing requirements and processes—3 states.

◆ Child care programs operated by private educational institutions affiliated with religious organizations are exempt—3 states.

(National Center on Child Care Quality Assurance, 2019)

States Licensing FCCHs and GCCHs

License FCCHs: 44 states

◆ Do **not** license FCCHs—7 states
 ▪ Arizona, Idaho, Indiana, Louisiana, New Jersey, Ohio, and South Dakota (most of these states license GCCH providers)

◆ Do **not** have mandatory licensing requirements for home-based providers—3 states
 ▪ Louisiana, New Jersey, and South Dakota

## License GCCHs: 38 states

◆ Do **not** license GCCHs—13 states
 ▪ Arkansas, Georgia, Kentucky, Louisiana, Massachusetts, Maine, North Carolina, New Jersey, South Dakota, Virginia, Vermont, Washington, and Wisconsin (most of these license FCCH providers)

Licensing Threshold for FCCH

◆ In 2017, 10 states require FCCH providers to be licensed if there is just one child in care who is not related to the provider:

   ▪ Alabama, Connecticut, Delaware, District of Columbia, Kansas, Maryland, Massachusetts, Michigan, Oklahoma, and Washington

◆ Most states set the licensing threshold at three or four children who are not related to the provider

(National Center on Child Care Quality Assurance, 2019)

Threshold for Licensing Family Child Care

Number of Unrelated Children in Care When Licensing Is Required
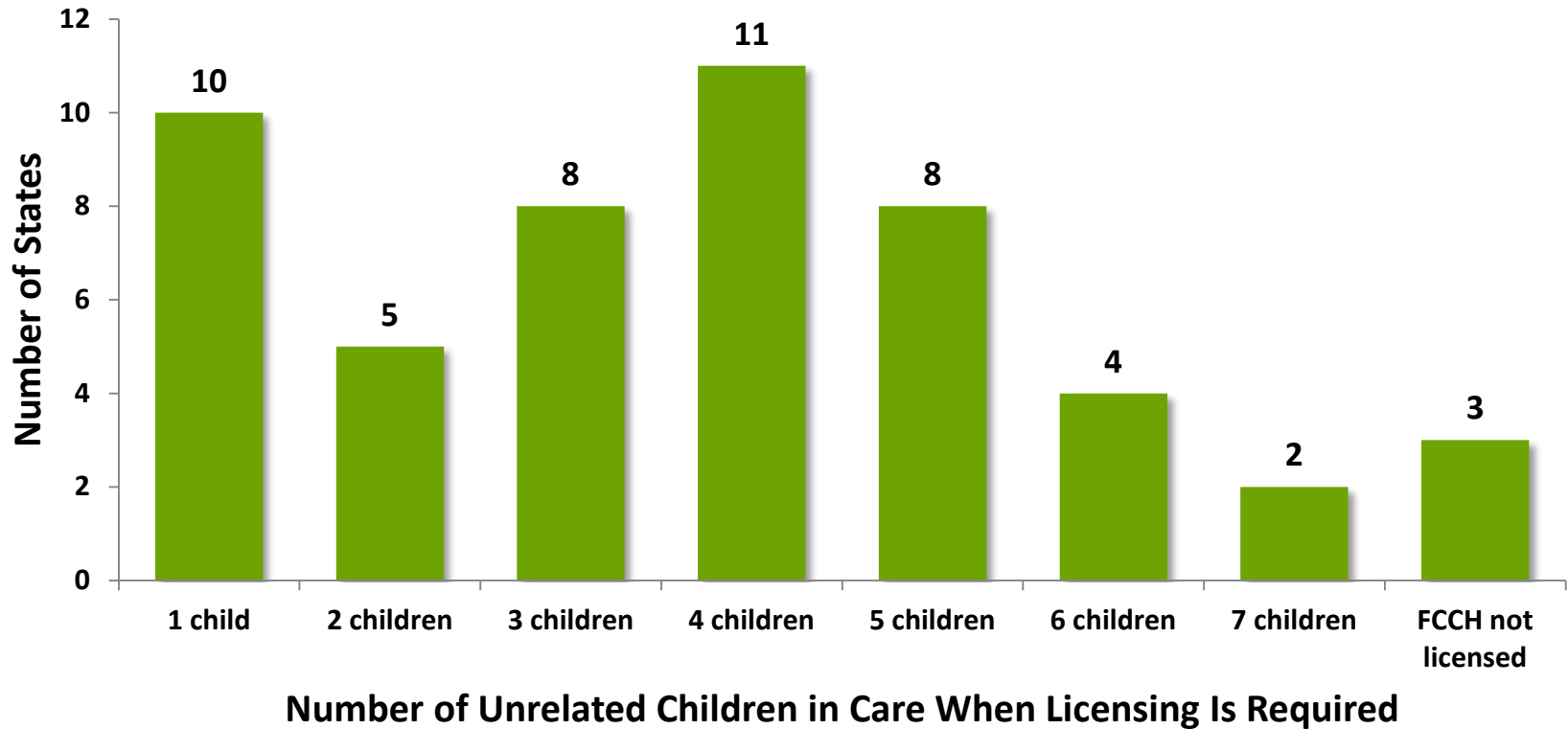
Note: *N* = 51 states, including DC.

(National Center on Child Care Quality Assurance, 2019)

Staff and Provider Requirements

Roles, High School Diploma, and Preservice Qualifications

Staff Role	Role Regulated	High School Diploma or Equivalent	Preservice Qualifications
Center director	51	47	49
Center teacher	51	34	41
Center assistant teacher	30	15	21
FCCH provider	44	18	32
GCCH provider	38	14	33

(National Center on Child Care Quality Assurance, 2019)

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Common Minimum Preservice Qualifications: Centers

◆ Center directors

- Child Development Associate (CDA) Credential
- Increased the amount of required preservice education or training—5 states
- Increased administrative training for directors—2 states

◆ Center teachers

- Experience—either alone or with a high school diploma
- Increased amount of required preservice education or training—7 states

(National Center on Child Care Quality Assurance, 2019)

Common Minimum Preservice Qualifications: FCCHs

FCCH providers

◆ Hours of training

◆ Added a requirement—4 states

◆ Increased the amount of required preservice education or training—3 states

(National Center on Child Care Quality Assurance, 2019)

Health and Safety Training Topics

Health and Safety Training Topics	Center Staff (*N* = 51)	FCCH Provider (*N* = 44)
Recognition and reporting of child abuse and neglect	40	26
Emergency preparedness and response planning	35	24
Prevention and control of infectious diseases	32	20
Reduction of sudden infant death syndrome and use of safe sleeping practices	29	28
Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment	26	23
Administration of medication	24	21
Precautions in transporting children	18	18
Prevention of and response to emergencies due to food and allergic reactions	15	14
Building and physical premises safety	14	13
Handling and storage of hazardous materials and the appropriate disposal of biocontaminants	14	14

(National Center on Child Care Quality Assurance, 2019)

Changes in Health and Safety Training

Several states added preservice or orientation training requirements in health and safety topics from 2014 to 2017:

- For centers, the largest increases were in reducing
  - sudden infant death syndrome (16 states to 29) and
  - prevention of shaken baby syndrome (11 states to 26).

- For FCCHs, there were large increases in almost every topic.

(National Center on Child Care Quality Assurance, 2019)

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Ongoing Training Hours

Facility Type and Role	Percent of States with Requirement	Median Number of Hours Required
Center director	94%	15
Center teacher	96%	15
Center assistant teacher	90%	15
FCCH provider	93%	12
GCCH provider	89%	15

(National Center on Child Care Quality Assurance, 2019)

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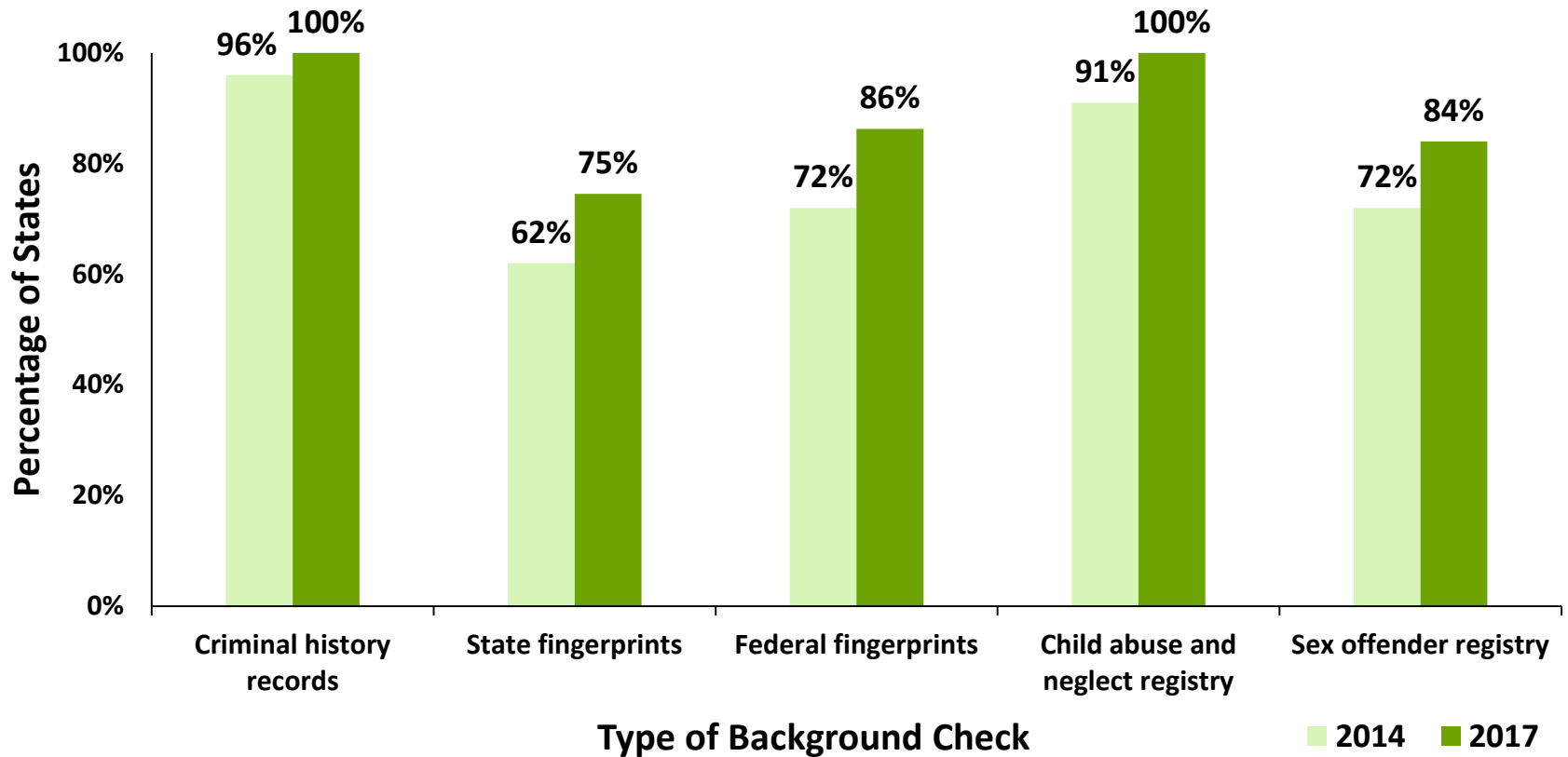Early Childhood National Centers

Changes in Ongoing Training Hours

From 2014 to 2017,

◆ there were 8 states that increased the number of ongoing training hours for at least one center staff role, and

◆ there were 9 states that increased the number of hours for FCCH providers.

(National Center on Child Care Quality Assurance, 2019)

Types of Background Checks: Centers
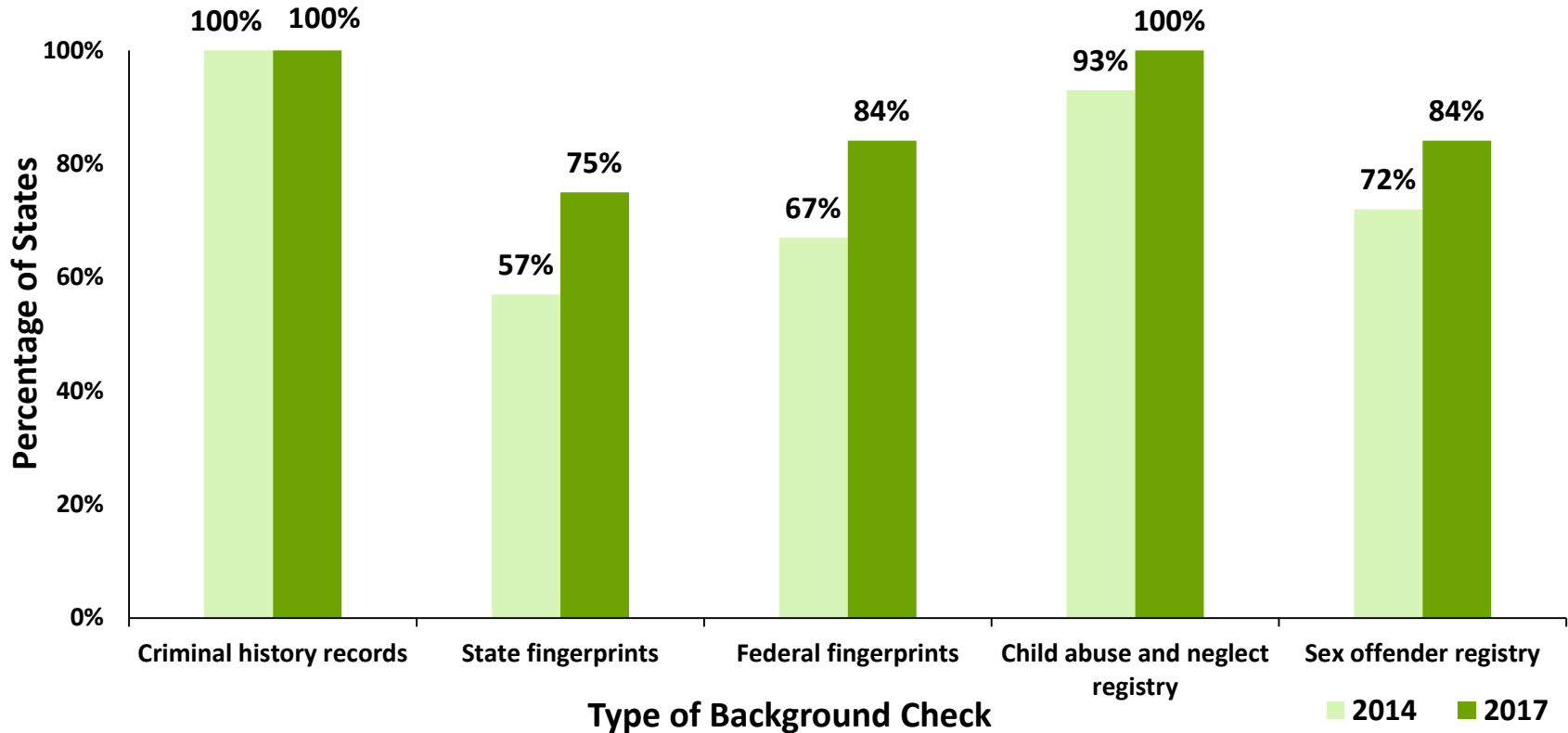

Notes: *N* = 53 states (including two territories and DC) in 2014. *N* = 51 states (including DC) in 2017.

(National Center on Child Care Quality Assurance, 2019)

Types of Background Checks: FCCHs

Note: *N* = 46 states (including two territories and DC) in 2014. *N* = 44 states (including DC) that licensed FCCHs in 2017.
(National Center on Child Care Quality Assurance, 2019)

Comprehensive Background Checks

Checks of criminal history records, fingerprints (state and federal), child abuse and neglect registries, and sex offender registries

◆ Centers: 16 states in 2014; 34 states in 2017

◆ FCCHs: 16 states in 2014; 29 states in 2017

(National Center on Child Care Quality Assurance, 2019)

Child-Staff Ratios and Group Sizes

Child-Staff Ratios

Age of Children	Lowest Required Ratio	Number of States	Highest Required Ratio	Number of States	Most Common Ratio	Number of States	*Caring for Our Children* Guidelines
Infant							
6 weeks	3:1	3	6:1	2	4:1	33	**3:1**
11 months	3:1	3	6:1	3	4:1	32	**3:1**
Toddler							
18 months	3:1	1	9:1	2	6:1	15	**4:1**
35 months	4:1	2	12:1	1	8:1	13	**4:1**
Preschool							
3 years	6:1	1	15:1	4	10:1	22	**7:1**
4 years	8:1	1	20:1	2	10:1	17	**8:1**
School age							
5 years	9:1	1	25:1	2	15:1	13	**8:1**
10 years	10:1	1	26:1	1	15:1	16	**12:1**

Note: *N* = 51 states, including DC.

(American Academy of Pediatrics et al., 2011; National Center on Child Care Quality Assurance, 2019)

Group Sizes

Age of Children	Lowest Required Group Size	Number of States	Highest Required Group Size	Number of States	Most Common Group Size	Number of States	*Caring for Our Children* Guidelines
Infant							
6 weeks	6	1	20	1	8	20	**6**
11 months	6	1	20	1	8	19	**6**
Toddler							
18 months	8	6	20	2	12	14	**8**
35 months	8	2	22	1	20	9	**8**
Preschool							
3 years	14	1	30	2	20	18	**14**
4 years	20	17	36	1	20	17	**16**
School age							
5 years	20	9	40	2	30	13	**16**
10 years	20	2	50	1	30	16	**24**

Note: *N* = 51 states, including DC.

(American Academy of Pediatrics et al., 2011; National Center on Child Care Quality Assurance, 2019)

Changes in Ratios and Group Sizes, 2014–2017

◆ Child-staff ratios lowered for at least one age group—4 states

◆ Regulated group size for all age groups
  ▪ In 2017, 35 states
  ▪ In 2014, 31 states

◆ Regulated group size for at least one age group
  ▪ In 2017, 7 states
  ▪ In 2014, 10 states

◆ Group size lowered for at least one age group—2 states

(National Center on Child Care Quality Assurance, 2019)

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Maximum Number of Children in FCCHs

◆ One provider can care for no more than

- six children in 11 states,

- six preschool children plus additional school-age children in 13 states, and

- ten or more preschool-age children in 10 states.

◆ Nearly all states

- set a limit on the maximum number of infants and toddlers in care and

- count the provider's children or other children living in the home in the maximum.
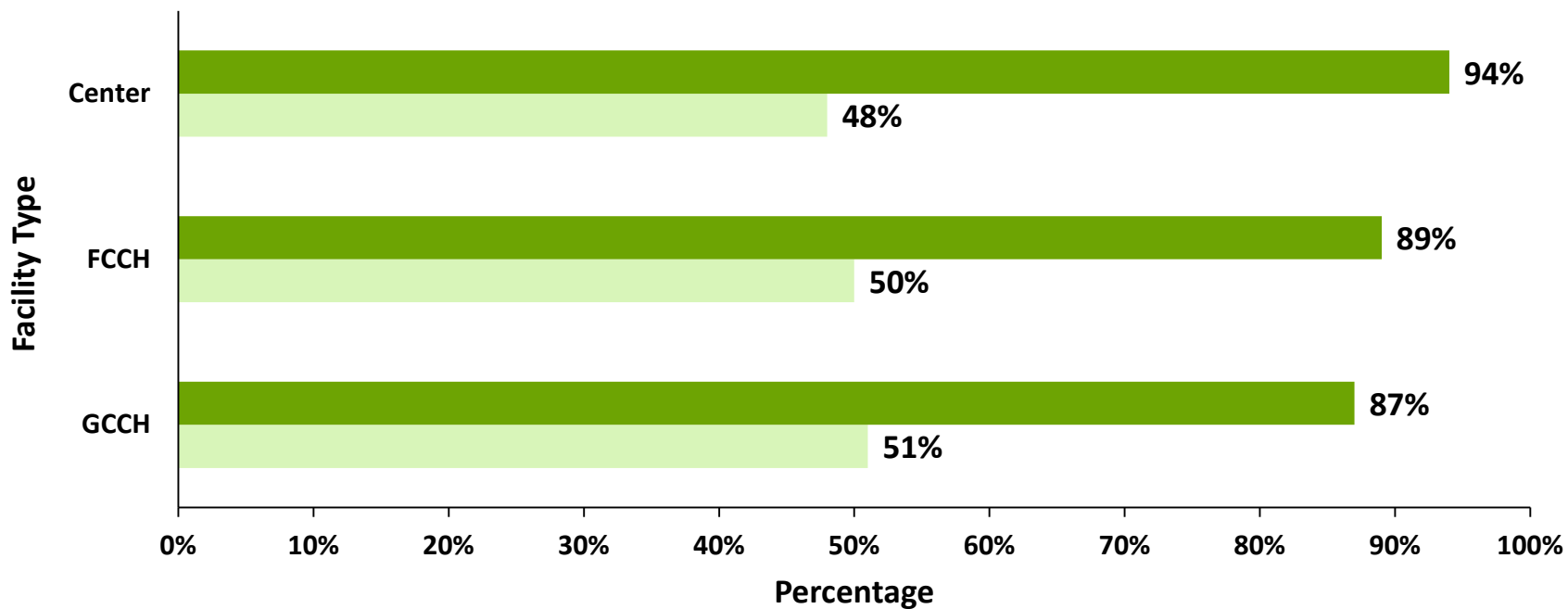
(National Center on Child Care Quality Assurance, 2019)

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Requirements about the Care of Children

Sleep Precautions

Percentage of States that Require Providers to Place Infants on Their Backs to Sleep

Horizontal bar chart comparing 2017 and 2005 percentages by Facility Type:

Facility Type	2017	2005
Center	94%	48%
FCCH	89%	50%
GCCH	87%	51%

X-axis: Percentage (0% to 100%)
Y-axis: Facility Type

Legend: ■ 2017 ■ 2005

Note: *N* = 51 states (including DC) in 2017. *N* = 50 states (including DC) in 2005

(National Center on Child Care Quality Assurance, 2019)

Number of States with Immunization Requirements

Immunization Requirements	Centers (*N* = 51)	FCCHs (*N* = 44)
State requires children to have immunizations to enroll.	51	43
State allows parents and guardians to provide a written statement that they do not wish to have their child immunized.	36	28
State allows medical professionals to provide a written statement for exemptions from immunizations for medical needs.	34	26
State allows exclusion of children until immunizations or exemption statements are provided.	22	9
State has requirements that address immunization records for homeless families.	9	8

(National Center on Child Care Quality Assurance, 2019)

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Health Care

- ◆ All states have requirements for **centers** about the administration of medication

  - For FCCHs, 42 states (95 percent)

- ◆ Nineteen states (37 percent) require **centers** to have a health consultant

  - For FCCHs, 3 states

(National Center on Child Care Quality Assurance, 2019)

Health and Safety Requirements

Fire Safety and Emergency Preparedness

Fire safety and Emergency Preparedness Requirements	Centers (N = 51)	FCCHs (N = 44)
Fire inspections	51	27
Fire and emergency drills	48	42
Emergency preparedness procedures	46	40
Emergency and evacuation plans	21	25

(National Center on Child Care Quality Assurance, 2019)

Changes in Emergency Preparedness: Centers

◆ Added requirements about emergency preparedness procedures—7 states.

◆ Added requirements about having an emergency and evacuation plan—5 states.

(National Center on Child Care Quality Assurance, 2019)

Changes in Emergency Preparedness: FCCHs

Since 2014, states added requirements about the following:

◆ Having an emergency and evacuation plan—7 states

◆ Implementing emergency preparedness procedures—5 states

◆ Conducting fire and emergency drills—4 states

(National Center on Child Care Quality Assurance, 2019)

Incident Reporting

Incident Reporting Requirements	Centers (N = 51)	FCCHs (N = 44)
Report serious injuries that happen to children in programs to licensing agency	45	33
Report deaths of children in programs to licensing agency	43	27
Report suspected child abuse and neglect; role as mandated reporter	48	40

(National Center on Child Care Quality Assurance, 2019)

Changes in Incident Reporting

Since 2014, states added requirements about reporting the following:

◆ Injuries that occur to children in child care centers—
7 states

◆ Deaths that occur to children in child care centers—
5 states

(National Center on Child Care Quality Assurance, 2019)

Indoor and Outdoor Space

Indoor and Outdoor Space Requirements	Centers (N = 51)	FCCHs (N = 44)
Amount of indoor space per child is 35 square feet	41	24
Amount of outdoor space per child is 75 square feet	31	11
Surface under outdoor play equipment	39	30
Fence or other enclosure around outdoor space	41	26
Protection from bodies of water (in other words, ponds, rivers, lakes, and so forth)	26	31
Swimming pool requirements	44	41

(National Center on Child Care Quality Assurance, 2019)

Handwashing and Diapering

Handwashing and Diapering Requirements	Centers (*N* = 51)	FCCHs (*N* = 44)
Handwashing		
Handwashing for staff	48	40
Handwashing for children	49	40
Diapering		
Requirements for diapering	50	39
Sanitation of diapering area	42	33
Specify when diapers are changed	33	29

(National Center on Child Care Quality Assurance, 2019)

Smoking, Firearms, Other Hazards

Smoking, Firearms, and Other Hazards	Centers (N = 51)	FCCHs (N = 44)
Smoking not allowed in facility	36	25
Firearms not allowed in facility	24	2
Firearms allowed, but must be in locked containers, closets, or other safe locations	9	39
Hazardous supplies and materials must be inaccessible to children	48	41

(National Center on Child Care Quality Assurance, 2019)

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Caseloads and Inspections

Licensing Caseloads

- The estimated average caseload for licensing staff is 81 centers and homes.
  - In 2014, it was 97.
  - In 2011, it was 103.

- Caseloads range from 26 to 182.
  - In 2014, highest was 300.

- NARA's recommendations include the following:
  - The average caseload should not exceed 50–60.
  - More research is needed to determine appropriate caseloads.

(Lapp-Payne, 2011; National Center on Child Care Quality Assurance, 2015a, 2015b, 2015c, 2019)

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Inspections Before Issuing a License

All states that license centers, FCCHs, and GCCHs conduct an inspection before issuing a license.

◆ Most states (80 percent) conduct an **announced** inspection at that time.

(National Center on Child Care Quality Assurance, 2019)

Routine Compliance Inspections

◆ In 2017, 49 states (96 percent) conduct routine compliance inspections in centers.

  ▪ Report not conducting routine inspections but do conduct renewal inspections—2 states.

◆ All states report doing routine inspections **unannounced**.

  ▪ In 2014, 75 percent of states conducted only unannounced inspections.

(National Center on Child Care Quality Assurance, 2019)

Routine Compliance Inspections for FCCHs

◆ All states except one make routine compliance inspections in FCCHs.

◆ Nearly all (98 percent) always conduct these inspections **unannounced**.

  ▪ In 2014, 69 percent of states conducted only unannounced inspections.

  ▪ More states reported conducting both announced and unannounced inspections for routine compliance in 2014.

(National Center on Child Care Quality Assurance, 2019)

Abbreviated Inspections

◆ In 2017, 69 percent of states report using abbreviated compliance forms that **shorten the list of requirements** that licensors check in programs during inspections.

- No change has occurred since 2014.

- In 2011, it was 55 percent.

◆ This method is designed to reward strong compliance history.

◆ Most states switch to a full set of regulations if licensors find issues during an inspection.

(National Center on Child Care Quality Assurance, 2015a, 2015b, 2015c, 2019)

Choosing Rules for Abbreviated Inspections

◆ Most states chose the requirements reviewed during abbreviated inspections based on

▪ a consensus about rules considered **most critical** to protecting children's health and safety and

▪ an assessment of requirements that lead to **risk of harm** for children.

◆ Some use a set of **key indicators** that could statistically predict overall compliance—10 states.

(National Center on Child Care Quality Assurance, 2019)

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Frequency of Inspections

◆ Most states inspect **once a year**.

 ■ The number of states that inspect less than once a year has **decreased** since 2014.

 ■ Inspection frequency is defined as the minimum number of times licensing staff must visit a program as set by law, statute, or policy.

(National Center on Child Care Quality Assurance, 2019)
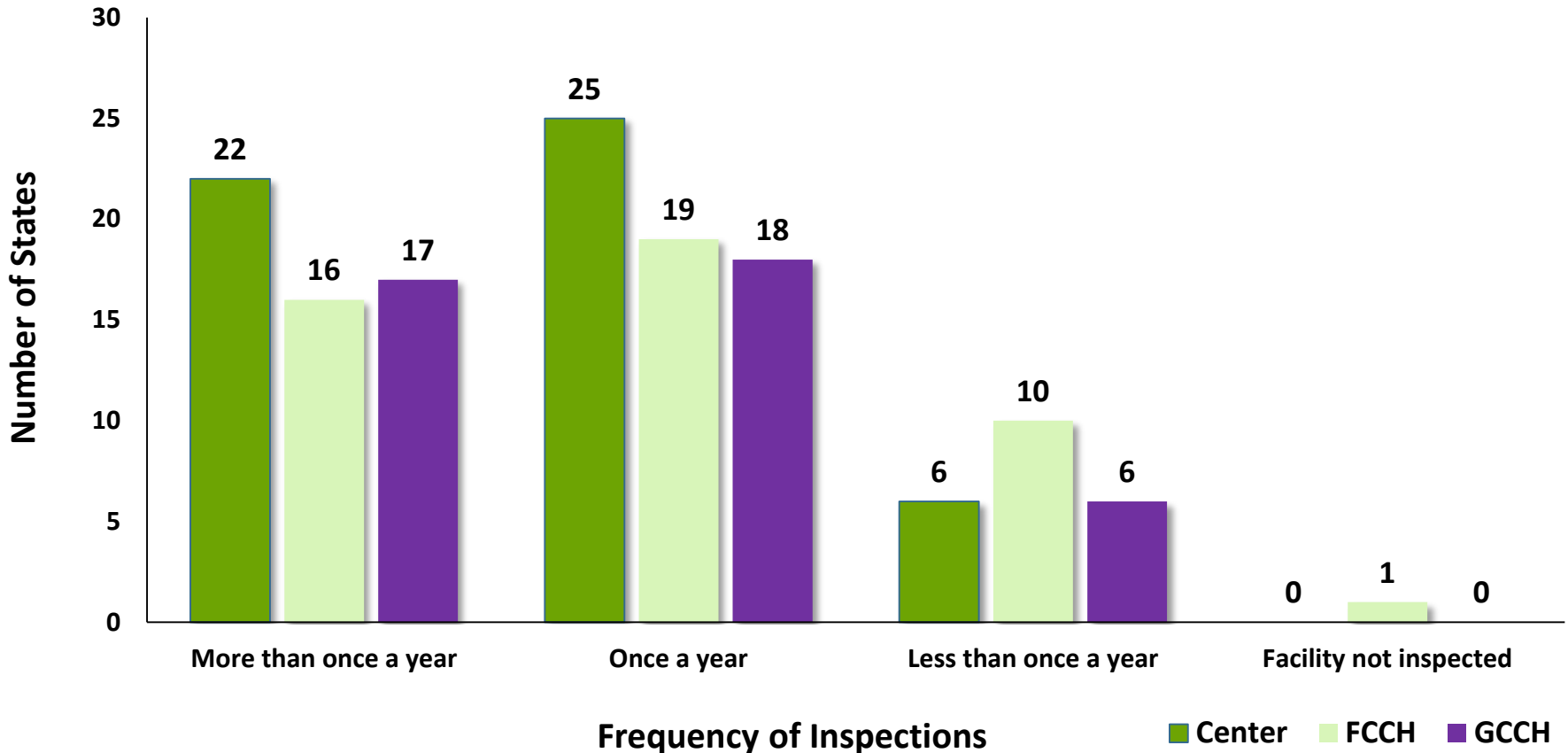
Frequency of Inspections, 2017
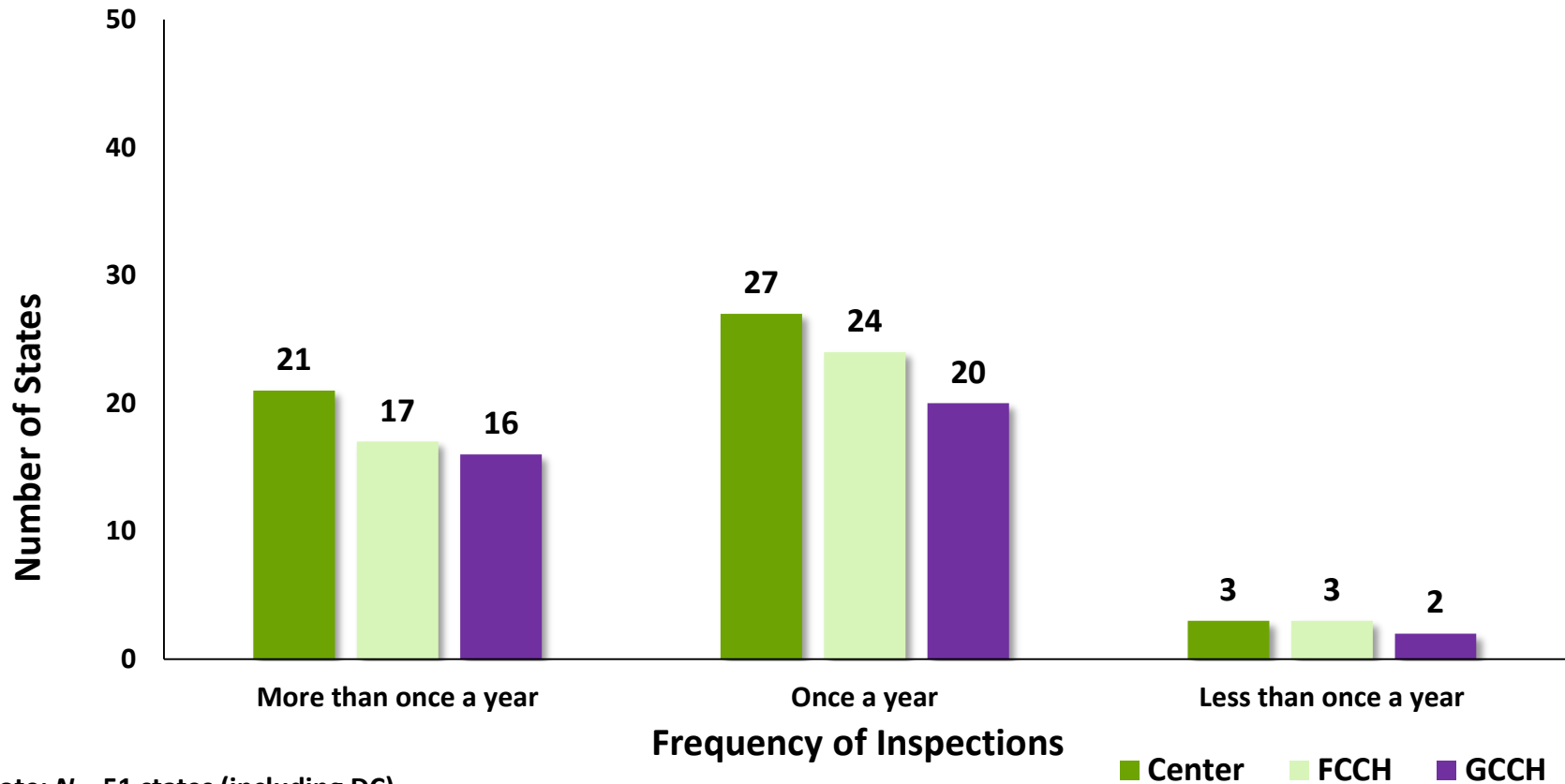
Note: *N* = 51 states (including DC)

(National Center on Child Care Quality Assurance, 2019)

Frequency of Inspections, 2014

Number of States (y-axis, 0 to 30)

Frequency of Inspections	Center	FCCH	GCCH
More than once a year	22	16	17
Once a year	25	19	18
Less than once a year	6	10	6
Facility not inspected	0	1	0

Frequency of Inspections

Note: *N* = 53 states (including DC and two territories)

(National Center on Child Care Quality Assurance, 2015a, 2015b, 2015c)

Dissemination of Licensing Study Findings

◆ Products

- Research briefs available soon; others to follow
- Online database tool in development

◆ Presentations of national findings and trends

◆ Promote further research about licensing

Application by States and Territories

◆ Compare own requirements and policies to national trends

◆ Regional analysis possible

◆ Technical assistance – trends can help with strategies

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Enforcement Strategies

Illegally Operating Providers

Nearly all (98 percent) states respond to complaints received by the public regarding providers operating illegally. States will take the following actions:

◆ Work with local law enforcement agencies

◆ Monitor listings where providers advertise

◆ Educate the public with campaigns about the importance of licensing

(National Center on Child Care Quality Assurance, 2019)

Enforcement Actions

The most common enforcement actions are

◆ revocation of a license,

◆ emergency or immediate closure of a facility,

◆ denial of a license,

◆ non-renewal of a license,

◆ conditional license, and

◆ civil fines.

(National Center on Child Care Quality Assurance, 2019)

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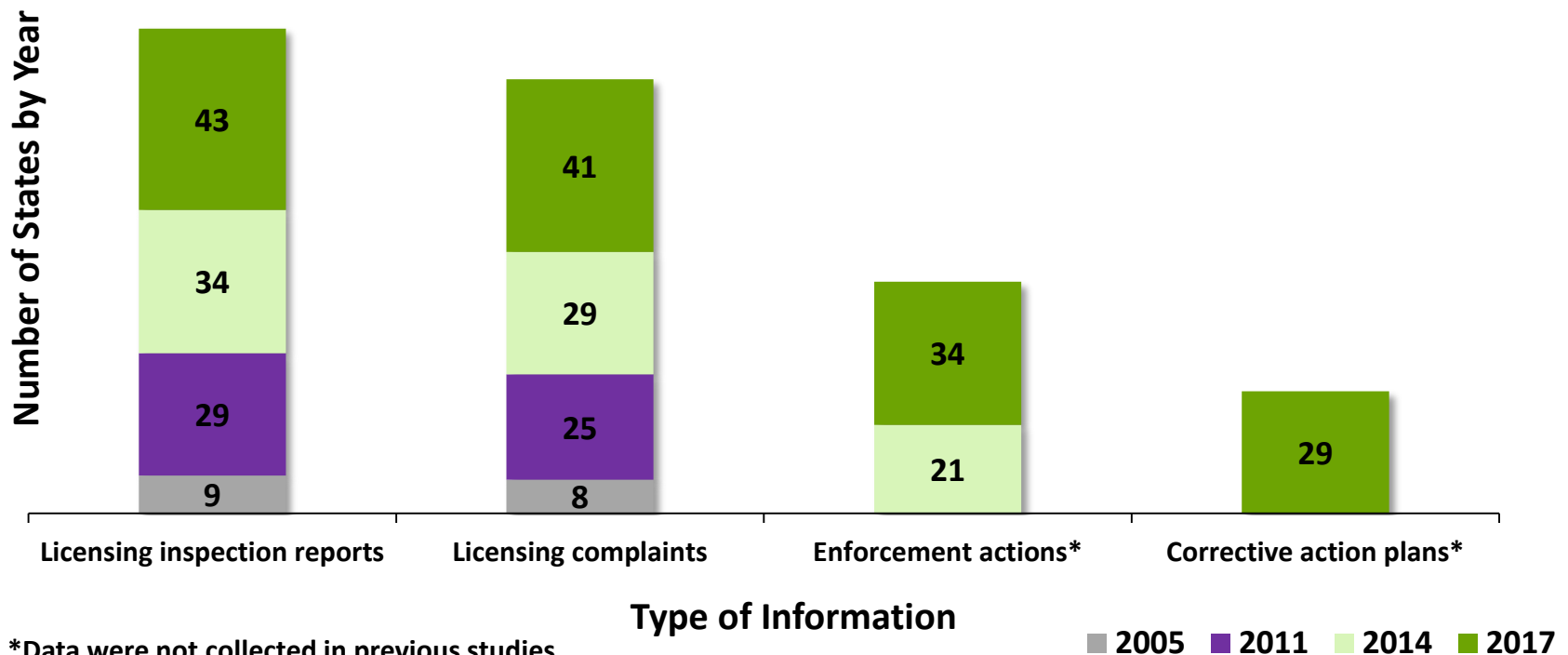National Centers

Licensing Provides Technical Assistance

◆ Nearly all states report providing TA during monitoring activities to help facilities **achieve compliance** with licensing requirements.

◆ Two-thirds (67 percent) of states report that they provide TA to help facilities **improve quality and exceed minimum licensing** requirements.

◆ No change has happened since 2014.

(National Center on Child Care Quality Assurance, 2015a, 2015b, 2015c, 2019)

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Consumer Education

Licensing Information Posted on the Internet

Number of States by Year

Type of Information

Licensing inspection reports	Licensing complaints	Enforcement actions*	Corrective action plans*
43	41	34	29
34	29	21	
29	25		
9	8		

Legend: 2005, 2011, 2014, 2017

*Data were not collected in previous studies.

(National Center on Child Care Quality Assurance, 2015a, 2015b, 2015c, 2019;
National Center on Child Care Quality Improvement, 2013a, 2013b, 2013c)

Licensing Staff Requirements

Licensing Staff Qualifications
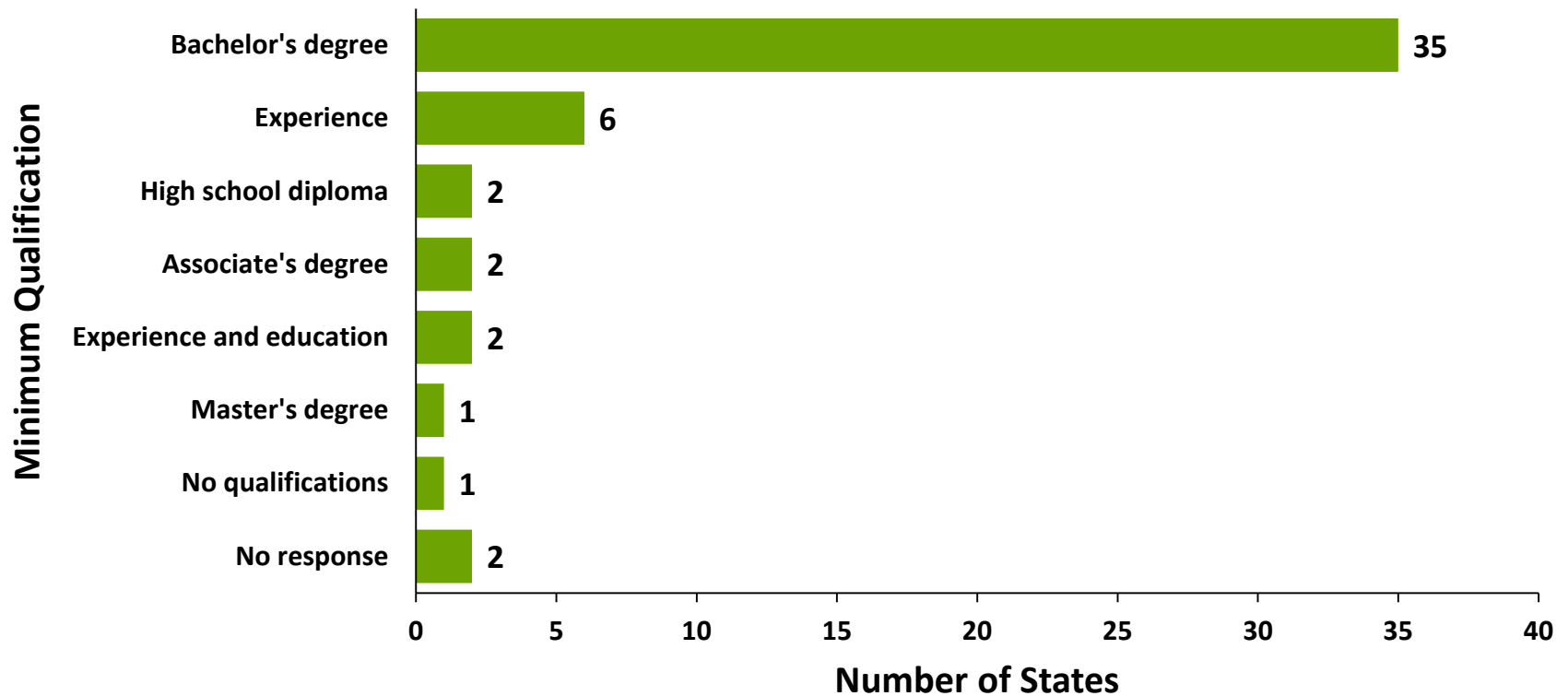
(National Center on Child Care Quality Assurance, 2019)

Licensor Qualifications

◆ Degree major or coursework content must be early childhood education, child development, or a related topic

  ▪ Twenty-six states (51 percent)

◆ Experience working in a setting with children is required

  ▪ Eighteen states (35 percent)

◆ Licensing line staff must complete training about the licensing system and provider requirements when they start employment

  ▪ Fifty states (98 percent)

(National Center on Child Care Quality Assurance, 2019)

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Thank You

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