



## Revising State Licensing Requirements: Readiness for Change

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. OCC has a strong commitment to work with States to strengthen licensing 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.

Many States and Territories have identified a goal of revising state licensing requirements. Implementing a successful change initiative requires a thorough assessment of the process, required resources, timing, challenges and context. Beginning a new process such as revising licensing requirements before evaluating the State's readiness and capacity to implement the changes can result in delays, opposition, and diminished outcomes. This document poses questions for States and Territories to consider as they begin the revision process. States should assess their readiness in the following areas:<sup>1</sup>

- Identification and validation of need
- Consideration of required changes
- Planning for change
- Communication plan
- Implementation plan
- Data collection and reporting plan

### Identification and Validation of Need

- Is there a compelling need to revise requirements, e.g., legislative mandate, new research, outdated requirements, public demand, or expectation of higher quality?
- Are current requirements lagging behind national benchmarks<sup>2</sup>
- or other States?
- Are the reasons for proposed revisions well-documented, understood, and supported by stakeholders including policy makers, provider associations, and advocacy organizations?
- Will there be an effort to streamline or reduce regulation either from internal or external sources?

### Consideration of Scope of Required Changes

- Is there a need for a comprehensive review and revision or just minor changes?
- Has the State been compiling needed revisions over time from both staff and providers?
- Are there requirements that are duplicative or difficult to understand or enforce?
- Are proposed revisions evidence-based?
- Is the fiscal impact of each revision being taken into consideration?

- Will the monitoring of a new or revised requirement necessitate additional licensing resources?
- Do proposed revisions reflect the State's level of commitment to protecting children while balancing the economic impact on small business owners and families?
- Has an initial assessment of the impact on related programs and processes been done with review and input from key staff, e.g., subsidy policy and administration staff, licensing monitoring staff, QRIS monitoring staff, data system managers, etc.?
- Would any proposed revision conflict with state or federal laws or regulations?

## Planning for Change

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- Are there adequate agency or contractual staff available to support the revision process?
- Who should serve on the workgroup assigned to recommend revisions? Do they represent all affected program types, staff, other relevant state agencies, advocates, or consumers?
- Is there a process for others to provide feedback and stay informed?
- Are the resources and research to support recommendations available to the workgroup?

## Communication Plan

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- How will the process and progress be communicated to all stakeholders, including other state or local programs or processes that may be affected?
- Is the rationale for significant proposed revisions shared?
- Are there new ways to use electronic media to share information and solicit feedback?
- Have the recommendations been shared with supporters of quality care, e.g., the State early learning advisory council, the Head Start State Collaboration office, or professional development associations?
- Is there a plan to respond to media inquiries?

## Implementation Plan

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- Can some requirements be phased in and/or grandfathered in when compliance may take time for practitioners?
- What is the time frame for the change and how will it be communicated?
- Can forms and licensing databases be revised and updated by the effective date?
- What training and support do practitioners need to meet the new requirements?
- Does the licensing agency need additional resources to implement the revisions?
- What staff training is needed to ensure successful implementation?
- What other materials, e.g., interpretive guides, websites, need to be updated to reflect the changes?
- What other programs or processes may be impacted, e.g., subsidy policy, QRIS, data system management, etc.?

## Data Collection and Reporting Plan

- What ongoing data needs to be collected to track the impact of the revisions?
- Can non-compliance be assessed to identify areas of requirements needing clarification, training, etc.?
- Are there opportunities for licensing staff feedback on the implementation process?

Strategic planning should include both the State’s readiness to successfully make significant changes to licensing requirements as well as the process, required resources, timing, challenges and context. The process of revisions to licensing requirements provides an excellent opportunity to educate communities and learn from stakeholders, including parents, health professionals, child development experts, and advocates. Careful planning will help the licensing agency anticipate and proactively respond to challenges so that the goal of better protecting the health and safety of children can be achieved.

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The Office of Child Care’s National Center on Child Care Quality Improvement does not endorse any non-Federal organization, publication, or resource.

<sup>1</sup> Fixsen, D. L., Blase, K. A., Horner, R., & Sugai, G. (February, 2009). *Scaling-up Brief. State Implementation & Scaling-up of Evidence-based Practices*. FPG Child Development Institute, University of North Carolina at Chapel Hill. <http://www.fpg.unc.edu/sites/fpg.unc.edu/files/resources/reports-and-policy-briefs/SISEP-Brief1-ScalingUpEBPIInEducation-02-2009.pdf>

<sup>2</sup> National benchmarks for licensing could include:

- *Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care Programs, Third Edition* (2011) by the American Academy of Pediatrics, American Public Health Association, and National Resource Center for Health and Safety in Child Care and Early Education (<http://www.nrckids.org/CFOC3/index.html>);
- *Stepping Stones to Caring for Our Children, Third Edition* (2013) by the American Academy of Pediatrics, American Public Health Association, and National Resource Center for Health and Safety in Child Care and Early Education (<http://nrckids.org/index.cfm/products/stepping-stones-to-caring-for-our-children-3rd-edition-ss3/>);
- *Stepping Stones to Caring for Our Children, Third Edition – Compliance/Comparison Checklist* (2013) by the American Academy of Pediatrics, American Public Health Association, and National Resource Center for Health and Safety in Child Care and Early Education ([http://nrckids.org/default/assets/File/Stepping%20Stones%203rd%20Ed%20Compliance%20Comparison%20Checklist%20FOR%20SC%20REVIEW%20FORM\\_Redacted.pdf](http://nrckids.org/default/assets/File/Stepping%20Stones%203rd%20Ed%20Compliance%20Comparison%20Checklist%20FOR%20SC%20REVIEW%20FORM_Redacted.pdf)); and
- *We CAN Do Better: NACCRRRA’s Ranking of State Child Care Center Regulation and Oversight* (2013) by the National Association of Child Care Resource and Referral Agencies (<http://www.naccrra.org/node/3025>).