Exploring Child Care Licensing Policies and Practices:

Current Trends and Questions

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Welcome!
Presenters

- Nina Johnson, National Center on Early Childhood Quality Assurance (ECQA Center)
- Sheri Fischer, ECQA Center
- Regina Wagner, Minnesota Department of Human Services
- Kelly Maxwell, Child Trends
What do we want to know?
Licensing Research Needed

- Child care licensing field has best practices and licensor competencies
- No research base to establish effective practices
- States need research to justify policy decisions, respond to legislatures, and improve practices
Unanswered Questions

- What is a “good” caseload for licensors?
- How many inspections are needed to impact compliance?
- Are enforcement actions deterring noncompliance?
- Is technical assistance effective?
National Data on Child Care Licensing Agency Policies

Findings from the 2017 Child Care Licensing Study
National Data Available

- Description of state policies and practices
- Comprehensive in topics covered
- Respondents are licensing agencies
- Point in time data collection
- Trends over time
- Data sets publicly available
Child Care Licensing Studies

- Partnership between ECQA Center and NARA
- Began in 2005
- Purpose is to track changes in child care licensing policies and practices, and requirements for providers
Components of the Licensing Studies

- Licensing Policies
  - Facility monitoring, enforcement of regulations, licensing program staffing
  - Results of NARA survey of all licensing agencies
- Licensing Regulations for Child Care Facilities
  - Requirements that programs must meet
  - Compiled from regulations posted on the National Database of Child Care Licensing Regulations
  - Data collection still in process
- Comparing 2017 data to 2014 Licensing Study
  - Also some comparisons to the 2005, 2007, 2008, and 2011 Child Care Licensing Studies
Source of Data on Slides

- The data on all slides come from analysis of the 2017 NARA Child Care Licensing Programs and Policies Survey.

- Analysis was conducted by the ECQA Center in March 2019.

- Citation:
Survey Respondents

- NARA sent survey to directors and managers of child care licensing agencies in all 50 states, DC, and 5 U.S. territories.

- Final set of respondents in 2017
  - 51 states, including District of Columbia

- Licensing managers or directors are the respondents – referred to as “states” in the presentation.

- 2014 survey had 53 responses (2 territories and DC)
Inspection Policies
Licensing Caseloads

- **Average caseload:** 81 centers and homes
  - 97 in 2014
  - 103 in 2011
- **Caseloads range from 26 to 182** (300 in 2014)
- **NARA recommends**
  - Licensing agencies calculate workload standards to account for local variables
  - Average caseload should not exceed 50-60
  - More research needed to determine appropriate caseloads

(ECQA Center, 2019; ECQA Center, 2015a, b, c; NARA and Lapp-Payne, 2011)
Types of Inspections

- All states that license centers, FCCH, and GCCH conduct an inspection prior to issuing a license.
  - 80 percent of states conduct an **announced** inspection at that time
- 49 states conduct routine compliance inspections
  - 2 states – reported no routine inspection, but do conduct renewal inspections
  - All states’ report doing routine inspections **unannounced**.

(ECQA Center, 2019)
Frequency of Inspections

- Most states inspect once a year
  - Number of states that inspect less than once a year has decreased since 2014
  - Inspections are the minimum number of times licensing staff are required to visit a program as set by law/statute/policy.

(ECQA Center, 2019)
Frequency of Inspections, 2017

(FCQA Center, 2019)
Frequency of Inspections, 2014

(ECQA Center, 2015a, b, c)
Licensing Renewal

- Two-thirds of states renew licenses every 1-2 years
  - 45 percent – 1 year
  - 34 percent – 2 years
- Most states conduct unannounced inspections for license renewal
- Eight states have non-expiring licenses

(ECQA Center, 2019)
Monitoring Strategies
Monitoring Based on Compliance History

- Increase monitoring frequency for programs with low levels of compliance;
- Identify providers in need of technical assistance;
- Recognize programs with strong compliance records with abbreviated inspections; and
- Use staff resources efficiently.

(National Center on Child Care Quality Improvement, 2014)
Differential Monitoring

- 35 percent of states report using “differential monitoring”
  - Method for determining the frequency of monitoring based on an assessment of a facility’s level of compliance with regulations
  - Used to determine the number of inspections needed for a particular facility
    - More if there are serious or numerous violations
    - Fewer if compliance history is strong (less common)

- Up from 25 percent in 2014

(ECQA Center, 2015a, b, c; ECQA Center, 2019)
Abbreviated Inspections

- 69 percent of states report using abbreviated compliance forms that shorten the list of requirements that are checked in programs during inspections.
  - 69 percent of states in 2014
  - 55 percent in 2011

- Method to reward strong compliance history
- Most states switch to full set of regulations if issues are found in during inspection

(ECQA Center, 2015a, b, c; ECQA Center, 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 requirements that lead to risk of harm for children.

10 states reported using a set of key indicators that could statistically predict overall compliance

(ECQA Center, 2019)
Risk Assessment of Rules

- 65 percent of states have conducted a process to identify licensing requirements that pose the greatest risk of harm to children if violated
  - 39 percent have assigned a risk level/weight to all requirements.
  - Remaining states have identified categories of high-risk requirements or identified the highest risk requirements.
- 53 percent reported having done this process in 2014

(ECQA Center, 2019)
## Uses of Risk Assessment

<table>
<thead>
<tr>
<th>Use of Risk Assessment of Requirements</th>
<th>Percentage of States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determining frequency of inspections based on risk level of violations</td>
<td>52%</td>
</tr>
<tr>
<td>Determining enforcement actions based on risk level of violations</td>
<td>45%</td>
</tr>
<tr>
<td>Categorizing violations</td>
<td>45%</td>
</tr>
<tr>
<td>Monitoring the high risk rules during abbreviated inspections</td>
<td>42%</td>
</tr>
</tbody>
</table>

(ECQA Center, 2019)
Enforcement Actions
Enforcement Actions

Most common enforcement actions are
- revocation of a license,
- emergency/immediate closure of a facility
- denial of a license,
- non-renewal of a license,
- conditional license, and
- civil fines.

(ECQA Center, 2019)
Licensing Provides TA

- Nearly all states report providing TA during monitoring activities to help facilities achieve compliance with regulations.
- 67 percent of states report that they provide TA to assist facilities in improving quality and exceeding minimum licensing regulations.
- No change since 2014

(ECQA Center, 2015a, b, c; ECQA Center, 2019)
Resources

- Licensing Study Data Sets
  https://www.researchconnections.org/childcare/series/23
- Child Care Licensing Tools and Resources
  https://childcareta.acf.hhs.gov/child-care-licensing-tools-and-resources
- Caring for Our Children
  http://nrckids.org/CFOC
- CCDF Reauthorization Resources
  http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization
Thank you!
References


Child Care and Development Fund, 45 C.F.R. § 98 (2016). Retrieved from https://www.ecfr.gov/cgi-bin/text-idx?SID=4f7ade0a312b92f614ef180b7bbbec06&mc=true&node=pt45.1.98&rgn=div5

References


References


