

Interpretive Guides for Child Care Licensing Regulations

This paper focuses on States development of interpretive guides for child care licensing regulations, also known as guidance manuals or compliance guides, to help clarify requirements and ensure statewide consistency in administration of the licensing program. The *Joint Policy Statement on Coordinated Efficiencies in Monitoring and Oversight of Early Care and Education Programs* recommends that States “publish interpretive guidelines to promote clarity, transparency, and greater utility among the provider community and the monitoring workforce.”¹ While some guides are intended only for licensing staff, making them available to programs and parents ensures a shared understanding of the requirements, their rationale, and how they are measured. This transparency increases understanding, trust, and consistency.

Uses of interpretive guides include the following:

- ◆ Assistance with training for both licensees and agency staff
- ◆ Explanation of the intent, purpose, or rationale of each requirement
- ◆ Explanation of how compliance with the requirement will be measured by the licensing program
- ◆ Interpretation of the requirement and any pertinent information relating to the requirement
- ◆ Technical assistance regarding how to maintain compliance

State Examples

According to the National Association for Regulatory Administration (NARA) Licensing Program and Policies Survey for 2014, 26 States have developed interpretive guidelines for their child care licensing regulations.² For many of these States, the guidelines are internal agency documents that are not available to the public on the agency website or are limited in scope. The following seven States were chosen as examples for this paper because they have made their interpretive guidelines available on a public website.

¹ U.S. Department of Health and Human Services & U.S. Department of Agriculture. (2016). *Coordinated Efficiencies in Monitoring and Oversight of Early Care and Education Programs*, p. 19. Retrieved from https://www.acf.hhs.gov/sites/default/files/ecd/final_hhs_usda_joint_monitoring_policy_statement.pdf

² Additional findings from this survey are available in *Research Brief #1: Trends in Child Care Center Licensing Regulations and Policies for 2014* (2015), by the National Center on Early Childhood Quality Assurance, available at <https://childcareta.acf.hhs.gov/resource/research-brief-1-trends-child-care-center-licensing-regulations-and-policies-2014>.

California

Community Care Licensing Division, California Department of Social Services

<http://www.cclcd.ca.gov/PG411.htm>

California has a set of Evaluator Manuals that provide a self-contained resource for the application and enforcement of laws, policies, and procedures. The intent of utilizing one reference source is to ensure statewide consistency in the administration of the licensing program. The Evaluator Manuals are also used to train new employees of the Community Care Licensing Division's (CCLD) Regional Offices and the county offices that contract with the State to administer the Family Child Care Home and the Foster Family Home programs. The Evaluator Manuals are available on the CCLD Web site for child care providers to review at <http://www.cclcd.ca.gov/PG395.htm>. The following are links to the manuals for specific types of child care facilities:

- ◆ *Evaluator Manual: Regulation Interpretations and Procedures for Child Care Centers* (September 2016)
<http://www.cclcd.ca.gov/res/pdf/ChildCareCenters.pdf>
- ◆ *Evaluator Manual: Regulation Interpretations and Procedures for Family Child Care Homes* (September 2016)
<http://www.cclcd.ca.gov/res/pdf/FCCH.pdf>

Georgia

Bright from the Start: Georgia Department of Early Care and Learning

<http://dec.al.ga.gov/ChildCareServices/ChildCareServicesMain.aspx>

Georgia's Guidance Manuals focus on Core Rules which have been identified to be directly related to children's health and safety. Core Rules are evaluated by Child Care Program Consultants during every licensing study and monitoring visit. The rule guidance manuals are posted on the agency's Web site at <http://dec.al.ga.gov/ChildCareServices/RulesAndRegulations.aspx>.

- ◆ *Child Care Learning Centers Rule Guidance Manual* (January 2016)
http://dec.al.ga.gov/documents/attachments/CCLC_Rule_Guidance.pdf
- ◆ *Family Day Care Home Rule Guidance Manual* (January 2016)
http://dec.al.ga.gov/documents/attachments/FCCLH_Rule_Guidance.pdf

Indiana

Bureau of Child Care, Family and Social Services Administration

<http://www.in.gov/fssa/2552.htm>

Indiana's interpretive guides help child care licensing staff determine providers' compliance with particular licensing requirements. The guides include the complete text of the requirements, intent statements that summarize the purpose of the requirements, assessment methods for determining compliance, and thresholds for determining whether providers should be cited as out of compliance.

- ◆ *Interpretive Guide for Child Care Center Rules* (June 2016)
<http://www.in.gov/fssa/files/Centers%20Interpretive%20Guide%20effective06012013%20doc%20draft%204-5-16.pdf>
- ◆ *Interpretive Guide for Child Care Home Rules* (February 2016)
http://www.in.gov/fssa/files/Homes_Interpretative_Guide_effective_2-2016.pdf

Michigan

Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Licensing Division

<http://www.michigan.gov/michildcare>

The Child Care Licensing Division provides a technical assistance and consultation manual on the licensing rules for child care centers and family and group child care homes. For each rule, there is a rationale section, a technical assistance section, and a consultation section. The rationale section describes the reason the rule was enacted. The technical assistance section outlines what providers must do to comply with the rule. The consultation section contains recommendations and best practices for how providers can go beyond what the rule requires and improve the quality of care provided. Additional technical assistance resources are available at http://michigan.gov/dhs/0,4562,7-124-5529_49572_49580---,00.html.

- ◆ *Technical Assistance and Consultation Manual: Child Care Center Rules* (February 2017)
http://www.michigan.gov/documents/lara/Center_TA_and_Consultation_Manual_-_Effective_1_1_16_509884_7.pdf
- ◆ *Technical Assistance and Consultation Manual: Family and Group Child Care Home Rules* (February 2017)
http://www.michigan.gov/documents/lara/Home_Technical_Assistance_and_Consultation_Manual_-_Effective_1_1_16_509880_7.pdf

Utah

Bureau of Child Development, Utah Department of Health

<http://health.utah.gov/licensing/>

Utah has an Interpretation Manual for each of the different types of child care providers they regulate—licensed family child care, child care centers, out-of-school time programs, and hourly centers. Each manual has a rationale/explanation and an enforcement section for each rule. The manuals are used for training licensing staff and providers so they have a better understanding of regulations. All of Utah's Interpretation Manuals are available at <http://health.utah.gov/licensing/rules.htm>.

Virginia

Division of Licensing Programs, Virginia Department of Social Services

<http://www.dss.virginia.gov/family/cc/index.cgi>

Virginia has documents that provide technical assistance information and interpretation of its licensing standards and general procedures. The technical assistance documents are written in a question and answer format. The interpretation guidelines include boxes of text to help providers better understand the rules.

- ◆ *Standards for Licensed Child Day Centers: Technical Assistance* (November 2012)
http://www.dss.virginia.gov/files/division/licensing/cdc/intro_page/code_regulations/tech_assist/ta.pdf
- ◆ *General Procedures and Information for Licensure: Technical Assistance* (January 2015)
http://www.dss.virginia.gov/files/division/licensing/cdc/intro_page/code_regulations/tech_assist/gp_ta_01_15.pdf
- ◆ *Standards for Licensed Family Day Homes With Interpretation Guidelines* (October 2016)
http://www.dss.virginia.gov/files/division/licensing/fdh/intro_page/code_regulations/regulations/final_fdh_manual.pdf

Wisconsin

Bureau of Early Care Regulation, Wisconsin Department of Children and Families

<https://dcf.wisconsin.gov/ccregulation>

Wisconsin publishes a version of its licensing rules that includes written commentary by Department of Children and Families staff on how to interpret them. The text is within boxes and is italicized.

- ◆ *DCF 251 – Licensing Rules for Group Child Care Centers With Commentary* (January 1, 2009)
<https://dcf.wisconsin.gov/files/ccregulation/cclicensing/commentary/DCF-PFS4024.pdf>
- ◆ *DCF 250 – Licensing Rules for Family Child Care Centers With Commentary* (January 1, 2009)
<https://dcf.wisconsin.gov/files/ccregulation/cclicensing/commentary/DCF-PFS4069.pdf>

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