

D2: Exploring Child Care Licensing Policies and Practices: Current Trends and Questions

Thursday, April 18, 2019

10:15 a.m. – 11:30 a.m. | Cabin John/Arlington

1. Descriptive Information

D2: Exploring Child Care Licensing Policies and Practices: Current Trends and Questions

This session will explore the need for research to answer some fundamental questions about child care licensing policies and practices that may relate to children’s health and safety and program quality. New findings from the 2017 Child Care Licensing Study and trend analysis will be presented and discussed. A framework for how licensing can support quality in early care and education will be offered, along with ideas for future research. A representative from a state licensing agency will respond to both presentations, highlighting experiences using its licensing data. Panelists and session participants will engage in a discussion about licensing research and possible strategies for conducting research to answer questions about child care licensing.

A few of the research questions that will be explored include:

- How is the frequency of monitoring visits related to compliance rates and enforcement actions?
- What combination of licensing strategies/methodologies (caseloads, technical assistance, enforcement actions, etc.) is most effective in increasing compliance rates and achieving desired outcomes?

Facilitator

Nina Johnson, National Center on Early Childhood Quality Assurance

Presenters

Sheri Fischer, National Center on Early Childhood Quality Assurance | *Findings and Trends from the 2017 Child Care Licensing Study*

Kelly Maxwell, Child Trends | *A Framework for How Licensing Can Support Quality in Early Care and Education*

Regina Wagner, Minnesota Department of Human Services | *A State Child Care Licensing Administrator’s Perspective on Using Licensing Data to Inform Policy and Practice*

Scribe

Gabi Kirsch, ICF

2. Documents Available on Website

- [Johnson Current Trends and Questions](#)
- [Maxwell The Role of Licensing](#)

3. Brief Summary of Presentations

- Nina Johnson, National Center on Early Childhood Quality Assurance
 - Nina asked the room to introduce themselves and ask any question they may have about licensing.
 - An attendee commented that licensing data can inform many of our ideas about quality improvement and quality assurance systems.
 - Many attendees commented that licensing data is very good data and analyzing it is an opportunity.
 - An attendee from Vermont who manages licensers wondered how they can use the data they have been collecting.
 - An attendee asked how licensing requirements relate to those of QRIS and subsidies.
 - An attendee said that state licensing practices does not reflect best practices. She wonders how, as an educator and researcher, she can work to fill that gap.
 - Child care licensing field has best practices and licensor competencies. There is little research base to establish effective practices. States need research to justify policy decisions.
 - There are many unanswered questions. For example, what is a “good” caseload? How many inspections are needed to impact compliance? States are required to inspect once a year. Are enforcement actions deterring noncompliance? Is technical assistance effective?
 - The following data comes from the Child Care Licensing Study. Every three years, data are gathered by states, territories, and DC on their licensing practices (survey) and provider requirements (regulation

review). It began in 2005, which allows researchers to examine trends. Data are accessible through 2017. The data sets are publicly available.

- Caseloads have gone down over the past three years. They have data on the type of inspections (announced or non-announced). Most states are conducting an announced inspection prior to issuing a license and all conduct one non-announced inspection. They have data on licensing renewals and monitoring strategies. If providers are less compliant, they are monitored more frequently. This data reflects practice. 69% of states use an abbreviated compliance forms. This is based on a consensus about rules considered the most critical to protect health and safety as well as what lead to risk of harm for children. 10 states used a set of key indicators.
 - The most common enforcement actions include revocation of a license, emergency closure, as well as other actions.
 - All states are providing technical assistance.
 - The study asked states what information about compliance is publicly shared. The study did not focus strongly on understanding the technical assistance.
- Kelly Maxwell, Child Trends | A Framework for How Licensing Can Support Quality in Early Care and Education
 - This presentation focuses on the relationships between licensing and quality.
 - The brief describes a framework for the role of licensing in supporting quality and supports research on this topic by providing examples of hypotheses about how licensing might influence quality. They offered some examples of research questions in the brief.
 - Child care licensing is the floor or foundation of quality, historically. This view has shifted. Now, it's viewed as an important part of the quality continuum.
 - The brief used the components identified in NARA's best practices for human care regulation, which fall into two categories: organizational management and regulatory management. The brief describes how each licensing component can address quality.
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 - Examples of research questions are: Is compliance with all licensing regulations lower when programs are monitored on an abbreviated set of regulations? Also, what's the relationship between a provider's participation in quality improvement activities and compliance with licensing regulations? What's the relationship between licensing requirements and the supply of licensed or regulated family child care?
 - The brief does not define quality. An attendee commented that licensing is supposed to be a way for the government to regulate facilities and is not about quality improvement. Kelly responded that the brief addresses that conversation and acknowledges the special role that licensing plays in ensuring that providers are operating legally within a state..
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- Regina Wagner, Minnesota Department of Human Services | A State Child Care Licensing Administrator's Perspective on Using Licensing Data to Inform Policy and Practice
 - Regina explained that Minnesota has a difference between family child care providers and large centers. Their unit prioritizes complaints, but caseloads for the licensing workers became too high. They had 10 licensors and close to 1,600 centers. They had a capacity of 1 licensor per 170 centers. They built an infrastructure to hire and train more licensors. They now have 33 licensors.
 - Providers know when the licensors change, and they ask why. They must communicate with providers and be attentive to transitions. They look at the quality of the interaction with the providers.
 - They have built in the concept of a weighted caseload. They now have a caseload of 80. They have license exempt centers. There are 700 centers that are mostly after school programs. Those caseloads are about at 100 because they do not need more attention. On average, they hope to get to about 80. This is a change.
 - Regina asks: what is quality outside of a rating system? When we have so few people participating in it, we can't ignore the conversation about quality. Providers do not always need the state to show that they are quality. Regina attended a conversation with 40 child care providers and people wanted to talk about parent aware. These are often awkward conversations but it's an opportunity for licensing to help the conversation expand.

- How can we be sure that licensing is having positive impacts for the children in these programs?
- An attendee asked if there's any rules that are often hard to meet and if the state is doing anything to address those harder rules. Regina said that their rules have not been updated in over 30 years. As Minnesota looks at the violation data, they are able to see the consistency details. Staff are wondering what is going on with training and wondering if they can match up the violations with trainings (although Minnesota can be fickle with weather preventing trainings to occur). They are able to take the licensing data and link to other datasets internally. Licensing will broaden its role in that framework as well.

- Sheri Fischer was not able to attend.

4. Summary of Key Issues Raised

- Child care licensing field has best practices and licensor competencies. There is little research base to establish effective practices. States need research to justify policy decisions.
- Caseloads have gone down over the past three years. Most states are conducting an announced inspection and all conduct one non-announced inspection. If providers are less compliant, they are monitored more frequently. 69% of states use an abbreviated compliance forms. This is based on a consensus about rules considered the most critical to protect health and safety as well as what lead to risk of harm for children. 10 states used a set of key indicators.
- The most common enforcement actions include revocation of a license, emergency closure, as well as other actions.
- NARA's best practices for human care regulation is organized in two categories: organizational management and regulatory management. The licensing components within these two components can address quality.