

# Part 1: Introduction

State 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. Licensing helps prevent various forms of harm to children—risks from the spread of disease, fire and other building safety hazards, injury, and developmental impairment from the lack of healthy relationships with adults, adequate supervision, and/or developmentally appropriate activities.

Licensing is a process administered by state governments that sets a baseline of requirements below which it is illegal for facilities to operate. States have regulations that include the requirements facilities must comply with and policies to support the enforcement of those regulations.

The 2007 Child Care Licensing Study provides information collected in 2007 about child care licensing programs and policies and the regulations for child care centers, small family child care (FCC) homes, and large/group FCC homes in all 50 states and the District of Columbia.

## 1.1 History of the Child Care Licensing Studies

The Children's Foundation was established more than 30 years ago to provide support for FCC providers. The Child Care Licensing Studies were the brainchild of Kay Hollestelle, retired executive director of the Foundation.

The Foundation first published regulatory information about FCC in 1978 to promote the federal Child and Adult Care Food Program. After helping to launch the National Association for Family Child Care in 1982, the Foundation published its next official study of FCC licensing regulations in 1984. In 1986, it began to publish the studies with expanded information every August.

In 1991, in response to requests from many groups, the Children's Foundation developed a similar study about child care center regulations. Starting in 1993, the Foundation expanded the center information and began to publish the studies every February.

The licensing studies were single-handedly researched by Kay Hollestelle each year. Kay asked the states to verify and update the information from the previous year's study and included some additional open-ended survey questions for the states to answer. These questions were usually based on current trends and issues in the regulatory and early care and education fields.

The studies were first published to help those interested in starting businesses in FCC or center-based care, but then became an advocacy tool for states interested in upgrading licensing regulations and policies. Each report provided a summary of licensing data for each state and additional comparison information in many areas related to regulations and state practices.

In 2001-2002, at the request of the Children's Foundation, the **National Association for Regulatory Administration (NARA)** submitted regulatory questions to be included in the annual state surveys for each of the studies. In October 2002, the Children's Foundation approached NARA to collaborate on the publication of the studies for 2 years and then take over the full publication of the annual studies. NARA and the Children's Foundation co-published the 2003 and 2004 licensing studies.

In 2005, when the Children's Foundation closed its doors, NARA assumed full responsibility for the research and publication of the studies. To continue this work, NARA formed a partnership with the **National Child Care Information and Technical Assistance Center (NCCIC)**, which shared NARA's belief in the crucial role licensing plays in the early care and education system.

## 1.2 Methodology

The partnership between NCCIC and NARA on the research for the Child Care Licensing Studies created the opportunity to update the methods used for data collection. As described previously, the Children's Foundation would ask representatives from state licensing agencies to update the information about their states from the previous year's reports. Instead of continuing with this process, NCCIC and NARA engaged in a year of planning and decided to use two new data collection methods.

### **What is NARA?**

NARA was formed in 1976 and represents all human care licensing, including child care, child welfare, adult day care, adult residential and assisted living care, and program licensing for services related to mental illness, developmental disabilities, and abuse of drugs and alcohol. NARA members include human service regulatory professionals, human service providers, university faculty, independent researchers and consultants, allied professions from the health and safety and legal disciplines, and consumers. NARA promotes its mission—consumer protection through prevention—with its activities, including sponsoring an annual licensing seminar, providing training and technical assistance, producing publications, and conducting research.

### **What is NCCIC?**

NCCIC, a service of the Child Care Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, is a national clearinghouse and technical assistance center linking parents, providers, policy-makers, researchers, and the public to early and school-age care information. NCCIC responds to requests from parents, child care providers and other early education professionals, researchers, policy-makers, national organizations, businesses, and the general public. NCCIC also provides technical assistance and training to states, territories, and tribes.

### Notes

- DC is counted as a state in this report. Data were collected on all states, except ID, which does not license child care facilities at the state level.
- It was beyond the scope of this study to include information about states that have child care licensing programs at the city or county levels, such as ID, Anchorage, AK, New York City, and the counties in FL that have their own licensing programs.

### A. *The 2007 NARA Child Care Licensing Program Survey*

In July 2007, NARA sent a survey to all state child care licensing agencies. The survey included questions about state child care licensing processes and policies for licensing child care centers and small and large/group FCC homes. The survey was disseminated by mail, and respondents submitted their answers either by mail, fax, or email. By April 2008, all states had responded.

NCCIC created a Microsoft Access database to compile data collected from the survey and asked additional follow-up questions to clarify states' responses. The data collected from the survey are presented in "Part 2: State Licensing Programs and Policies" of this report.

### Terminology

**Child care center:** A nonresidential facility that generally provides child care services for fewer than 24 hours per day per child, unless care in excess of 24 hours is due to the nature of the parents' work. States define child care centers differently in their licensing regulations.

**Child care licensing agency:** An agency that is usually housed in a state department of human services, social services, or health and is responsible for the regulation and licensing of child care facilities across a state.

**Large/Group FCC home:** A child care program located in the licensee's residence that generally includes one provider, an assistant, and a larger number of children. States define FCC homes differently in their licensing regulations.

**Licensing/Licensed:** Permission from a state that is required to operate a child care facility, which includes meeting specific center or FCC standards. Some states may call their regulatory processes **certification** or **registration**; for purposes of this study, the terms **licensing** or **licensed** are used to represent all regulatory processes.

**Regulation:** A state's official promulgated licensing rules that are used to evaluate a child care program's operation. This study only includes information from state child care licensing regulations. Additional requirements for child care facilities may be in state statutes, administrative codes, or other state laws. It was beyond the scope of this study to review all laws that pertain to child care programs.

**Small FCC home:** A child care program located in the licensee's residence that generally includes one provider and a small number of children. States define family child care homes differently in their licensing regulations.

## **B. Compilation of Child Care Facility Regulations**

All data regarding child care center and FCC home regulations are from the regulations posted on the National Resource Center for Health and Safety in Child Care and Early Education (NRC) Web site at <http://nrckids.org/STATES/states.htm>. NRC is located at the University of Colorado Denver, CO, and is funded by the Maternal and Child Health Bureau, Health Resources and Services Administration, U.S. Department of Health and Human Services.

NCCIC and NARA have three Microsoft Access databases that each contains more than 1,500 variables that cover licensing definitions, personnel and staffing, supervision, care of children, and facilities. The data collected from the child care facility regulations are presented in "Part 3: Child Care Center Licensing Regulations in 2007," "Part 4: Small Family Child Care Home Licensing Regulations in 2007," and "Part 5: Large/Group Family Child Care Home Licensing Regulations in 2007" of this report.

### **1.3 Format of the Report**

There are four parts of the report, in addition to the introduction. The first part is a national summary of all of the data that were collected from the survey, and the last three parts provide an overview of data compiled from state child care facility regulations. This report contains information about the number of states that have certain policies and regulations presented in table and graphic format. Summarizing text is included to describe the data.

Accompanying this report are numerous **50-State Data Tables**. These tables are referenced throughout the report (e.g., Table 1 and Table 2). Also included are a set of **State Profiles** that provide short summaries of key licensing policies and facility requirements for every state. All study materials are available on the NARA Web site at <http://naralicensing.org>.

By presenting both a national summary and the data collected for each state, this report can be used as a reference tool for making comparisons among states and conducting deeper regulatory policy analyses.

The following abbreviations are used to identify states throughout this report.

<b>State Abbreviations</b>			
<b>State</b>	<b>Abbreviation</b>	<b>State</b>	<b>Abbreviation</b>
Alabama	AL	Montana	MT
Alaska	AK	Nebraska	NE
Arizona	AZ	Nevada	NV
Arkansas	AR	New Hampshire	NH
California	CA	New Jersey	NJ
Colorado	CO	New Mexico	NM
Connecticut	CT	New York	NY
Delaware	DE	North Carolina	NC
District of Columbia	DC	North Dakota	ND
Florida	FL	Ohio	OH
Georgia	GA	Oklahoma	OK
Hawaii	HI	Oregon	OR
Idaho	ID	Pennsylvania	PA
Illinois	IL	Rhode Island	RI
Indiana	IN	South Carolina	SC
Iowa	IA	South Dakota	SD
Kansas	KS	Tennessee	TN
Kentucky	KY	Texas	TX
Louisiana	LA	Utah	UT
Maine	ME	Vermont	VT
Maryland	MD	Virginia	VA
Massachusetts	MA	Washington	WA
Michigan	MI	West Virginia	WV
Minnesota	MN	Wisconsin	WI
Mississippi	MS	Wyoming	WY
Missouri	MO		

## **1.4 Final Thoughts**

Strong licensing policies and regulations are key to help ensure the health and safety of our nation's children who spend time in out-of-home care. The potential for licensing to have a positive impact on children is very large given that there are more than 9.5 million licensed child care slots in the United States. Even in states with strong regulations and monitoring and enforcement policies, the potential for harm to children exists. There is still much research needed in order to determine which licensing policies and procedures are the most effective and which regulations are best at protecting children from harm. The data in this study will help inform the regulatory and early care and education fields and hopefully spark researchers' interest in pursuing further analyses.