

# Executive Summary

Each week, nearly 11 million children under age 5 are in some type of child care arrangement for an average of 35 hours. Nearly 15 percent of these children are in family child care homes<sup>1</sup>.

This report marks the third update for NACCRRRA's review of small family child care home program requirements and oversight. The previous two reports were released in 2008 and 2010.

*Leaving Children to Chance: NACCRRRA's Ranking of State Standards and Oversight of Small Family Child Care Homes, 2012 Update* marks the sixth year that NACCRRRA has undertaken a review of state child care standards and oversight.

In 2007, 2009 and 2011, NACCRRRA released, *We Can Do Better*, a series of reports scoring and ranking states based on their child care center program requirements and oversight.

## Leaving Children to Chance

The 2012 *Leaving Children to Chance* report scores 51 states (including the District of Columbia) and the Department of Defense (DoD) on key aspects of their small family child care homes.

NACCRRRA used 16 benchmarks that represent the most basic research-based criteria. Eleven program requirements were scored as were five oversight elements. Scores were used to develop three rankings:

- Ranking for total scores for both program requirements and oversight.
- Ranking for family child care home program requirements.
- Ranking for family child care home oversight.



*Of the states that scored points, the average score was 69, which was 46 percent of all possible points.* Using a standard grading scale across American classrooms, this would be a failing grade.

## Overall Condition of Small Family Child Care Homes

Progress has been made in many states since NACCRRRA's 2010 report, but more progress is needed to really ensure that children are safe and in a quality setting.

**Scores for the Top 10 states ranged from 120 to 86.** Of these states, one state (*Oklahoma*) earned a "B", three states (*Washington, Kansas and Delaware*) and DoD earned a "C", four states (*Maryland, Alabama, the District of Columbia and Colorado*) earned a "D" and the 10<sup>th</sup> state – *Massachusetts*, with a score of 86, at 57 percent, earned an "F" (as do all remaining states).

Sixteen states scored zero in this report. Eight scored zero because they do not inspect family child care homes before licensing (*Iowa, Michigan, Montana, Nebraska, Pennsylvania, South Carolina, West Virginia and Texas*). Eight others scored zero because they either allow more than six children in the home before requiring a license or do not license small family child care homes (*Idaho, Indiana, Louisiana, Mississippi, New Jersey, Ohio, South Dakota and Virginia*).

The children in these states are in a child care setting in which the safety of the home is unknown.

States have many different ways to count the number of children allowed in a small family child care home. Some states exempt the provider's own children from counting. Some states only begin counting children when a certain number of unrelated children are cared for in the home. The actual number of children in the home is important because it affects the safety of the children as well as the provider's ability to effectively interact with each child.

For example, if a fire were to occur in the home, each infant and young child would need to be evacuated safely – not just the ones that the state requires to be counted for licensing purposes.

## Report Highlights

**The biggest change in the *Leaving Children to Chance* Report in 2012 compared to 2010 to improve the quality of care for children occurred in Kansas.**

In 2010, Kansas enacted "Lexie's Law,"<sup>2</sup> which resulted in many improvements to the state's approach to family child care homes, including a new requirement that all small family child care home providers be licensed. In addition, the measure required an inspection before the state grants a license.

**As a result, *Kansas* scored 111 points in this report and is ranked third among all states compared to the state's score of zero in the 2010 report.**

Since the release of NACCRRA's 2010 report, *Georgia* now inspects homes before issuing a family day care home registration certificate and requires new family day care home applicants to obtain 20 hours of pre-service training in order to register to care for children.

**As a result, *Georgia* scored 84 points and is ranked 11<sup>th</sup> among all states compared to the state's score of zero in the 2010 report.**

## Other highlights:

### Background Checks

- *Colorado, Oklahoma and Washington* improved their background check requirements.
- **Overall, only nine states** (*Alaska, Colorado, Florida, Hawaii, Illinois, South Carolina, Tennessee, Washington and West Virginia*) **conduct a comprehensive check**, which includes three states (*Alaska, Florida and Tennessee*) that also check juvenile records.
- Only 18 states check the sex offender registry.

### Training Requirements

- *Colorado, Illinois, Kansas, Missouri, Nevada, New Mexico, North Dakota, South Carolina and Washington* strengthened their initial training requirements. Many of these changes were related to CPR and first aid.

Training makes a difference in the quality of care. And, quality child care matters for the safety and healthy development of children. Yet, among the states,

- Initial training varies from zero to more than 40 hours of required training.
- Annual training varies from zero to 24 hours of required training.

## Inspection Requirements

- *Georgia, Kansas, New Mexico and Oregon* strengthened their inspection policies.
- Eight states issue a license to family child care providers without an inspection (*Iowa, Michigan, Montana, Nebraska, Pennsylvania, South Carolina, Texas and West Virginia*).
- Only 26 states plus DoD conduct inspections at least annually.
- In *California* and *Montana*, inspections occur once every five years. In *Michigan*, inspections for family child care homes occur once every 10 years.

Even the strongest program requirements are undercut by ineffective monitoring.

## Health and Safety Requirements

- Overall, only 15 states address each of the 10 basic safety and 10 basic health requirements.

## Federal Subsidy Accountability

The Child Care and Development Block Grant (CCDBG) is the primary federal program allocating funds for child care with very few rules related to program requirements or oversight. As a result, as this report shows, state child care licensing and approaches to subsidy policy vary greatly.

*Massachusetts, Ohio, Oklahoma, Wisconsin and DoD* do not spend taxpayer dollars to pay for the care of children in unlicensed settings. All remaining states do.

**More than 322,000 children whose care is paid for through CCDBG are in unlicensed care, of which nearly 112,000 are in settings with either no background check or no fingerprint check.**<sup>3</sup>

A background check without a fingerprint check is ineffective. Individuals can circumvent the screening process by using an alias as several state audits have shown.

- Forty states require a background check for subsidy receipt by unlicensed providers. However, in 16 of those states, no fingerprint check is required.

- ***New York* has the greatest number of children whose care is paid for with taxpayer dollars in unlicensed care without a fingerprint check against federal records – 52,358.**

## Federal Law

About \$10 billion in government funds is used annually by the states for child care. For the most part, funding for child care comes from the Child Care and Development Block Grant (CCDBG), the Temporary Assistance for Needy Families (TANF) program, the Social Services Block Grant (SSBG or Title XX), and state funds.

To receive funds from CCDBG, states must have in place policies “*designed to protect the health and safety of children that are applicable to child care providers*” in the following areas:

- The prevention and control of infectious diseases (including immunizations)
- Building and physical premise safety
- Minimum health and safety training appropriate to the provider setting.<sup>4</sup>

Under the law, states are required to provide a detailed description of their licensing standards including how such standards are “*effectively enforced*.”

*CCDBG does not require a minimum licensing standard, only that whatever licensing standard designed by the states be described.* The law also does not define “*effective enforcement*,” which has led to varying state interpretations.

CCDBG does not require background checks for child care providers, minimum training or inspections. As a result, as shown in this report, state approaches to child care vary greatly with many leaving children to chance.

It is time to strengthen CCDBG and state laws. It is good news that some states have made progress, but children need more than progress. All children should be safe in child care and in a setting that promotes their healthy development.

## **NACCRRA recommends Congress:**

Reauthorize the Child Care and Development Block Grant (CCDBG) in the 112<sup>th</sup> Congress.

### **Protect children's safety**

- Require comprehensive background checks for child care providers and those receiving subsidies to care for unrelated children. Substitutes and aides, other adults in the home and teenagers (all who may have unsupervised access to children) should be included in any background check requirements.
- Require states accepting federal funds for child care to prohibit the use of CCDBG or TANF funds to pay convicted felons to provide child care.
- Require states accepting federal funds for child care to share suspension and violation information with Child Care Resource and Referral (CCR&R) agencies so that agencies do not make referrals to programs that may be unsafe.

### **Promote accountability**

- Require states accepting federal funds for child care to provide an evidence-based rationale for each category of license-exempt care and to disclose such information on the Internet.
- Require states accepting federal funds for child care to conduct quarterly inspections of licensed child care programs.
- Include a specific set-aside for licensing-related activities to promote the safety and healthy development of children.
- Require the U.S. Department of Health and Human Services to review state Child Care and Development Fund biennial plans and impose penalties when state plans fail to meet minimum protections for children, including ineffective state monitoring practices.

## **Promote quality child care**

- Set clear expectations about what quality means and establish a floor for what is minimally acceptable.
- Increase the CCDBG quality set-aside to 12 percent, gradually increasing it to 25 percent, on par with Head Start.
- Require states accepting federal funds for child care to require 40 hours of *initial* training.
- Require states accepting federal funds for child care to require 24 hours of *annual* training to reinforce initial training and to stay current on health and safety requirements and policies.

## **NACCRRA recommends states:**

Strengthen state requirements and oversight.

### **Protect children's safety**

- Require comprehensive background checks for child care providers and those receiving subsidies to care for unrelated children. Substitutes and aides, other adults in the home and teenagers (all who may have unsupervised access to children) should be included in any background check requirements.
- Require family child care providers to keep certification in first aid and CPR.
- Require family child care providers to follow the 10 recommended basic health practices and the 10 recommended basic safety practices.
- Require all paid family child care providers caring for one or more unrelated children on a regular basis (like a business) to be licensed.
- Inspect licensed homes at least quarterly.
- Share suspension and violation information with CCR&Rs so that agencies do not make referrals to programs that may not be safe.

## Promote accountability

- Conduct quarterly inspections to ensure compliance with state requirements. At least some of these inspections should be unannounced.
- Ensure adequate oversight by reducing licensing staff caseloads to a ratio of no more than 50:1 to improve accountability for meeting state requirements.
- Post routine inspection reports and substantiated complaints on the Internet.

## Promote quality child care

- Limit the number of children one family child care provider can care for to six. Limit the number of infants and toddlers to no more than two when older children are present or three when no older children are present.
- Require family child care providers to have at least a high school degree and be working toward a Child Development Associate (CDA) credential or an associate degree in early childhood education or a related field.
- Require family child care providers to have a minimum of 40 hours of initial training in child development, discipline and guidance, recognizing and reporting child abuse and neglect, working with families, learning activities, elements of child care quality, licensing requirements, fire safety, and basic health and safety.
- Require family child care providers to have a minimum of 24 hours of annual training in child development, discipline and guidance, recognizing and reporting child abuse and neglect, working with families, learning activities, elements of child care quality, licensing requirements, fire safety, basic health and safety practices.
- Ensure child care providers have access to a continuum of professional development opportunities, beginning with quality community-based training programs that are linked to career ladders and tied to higher education.



- Create and expand more online training opportunities, training to better address children with special needs and training in languages other than English.
- Require family child care providers to offer activities that address eight developmental domains.
- Require family child care providers to encourage parent involvement, to communicate with parents on a daily or ongoing basis, to allow parental visits at any time their children are present, to have contracts and share written policies, and to notify parents when a substitute will be caring for their child.
- Require licensing staff to have a bachelor's degree or higher in early childhood education or a related field.

The following table shows the top 10 states. It also includes information about the states that scored zero. Eight states scored zero because they do not inspect family child care homes before licensing. The score they would have received if they did

inspect before licensing is shown in parentheses. Eight states scored zero because they define the threshold of licensing at more than six children (when the provider's own children and exempted first family are included).

<b>Top 10 States and States Scoring Zero: Total Scores and Rankings for Program Requirements and Oversight</b>					
<b>Top 10 States</b>			<b>States Scoring Zero</b>		
<b>State</b>	<b>Final Score*</b>	<b>Rank</b>	<b>State</b>	<b>Final Score*</b>	<b>Rank</b>
Oklahoma	120	1	Michigan**	0 (107)	37
Washington	119	2	Montana**	0 (65)	38
Kansas	111	3	West Virginia**	0 (64)	39
Delaware	109	4	Pennsylvania**	0 (41)	40
Department of Defense	107	5	South Carolina**	0 (39)	41
Maryland	102	6	Nebraska**	0 (34)	42
Alabama	97	7	Iowa**	0 (31)	43
District of Columbia	96	8	Texas**	0 (15)	44
Colorado	95	9	Idaho^	0	52
Massachusetts	86	10	Indiana^	0	52
<b>Total Maximum Score: 150</b>			Louisiana^	0	52
			Mississippi^	0	52
			New Jersey^	0	52
			Ohio^	0	52
			South Dakota^	0	52
			Virginia^	0	52

\* Final scores reflect an adjustment based on the number of children paid providers could care for before being licensed.

\*\* States receive a zero if they do not inspect family child care homes prior to issuing a license. The score these states otherwise would have received is listed to the right of the zero. They are ranked at the bottom of the chart beginning with rank 37 in order reflecting their total points. For example, Michigan ranked 37th because Michigan would have received the highest total of points (107) among states scoring zero.

^ States receive a zero if the number of children that a provider can care for without a license exceeds six.

The following table shows the total score, percent of total score and rankings for all the states in alphabetical order.

<b>Total Score and Rankings for All States in Alphabetical Order</b>			
<b>States</b>	<b>Final Score*</b>	<b>Percent of Total Score</b>	<b>Rank</b>
Alabama	97	65%	7
Alaska	48	32%	28
Arizona	53	35%	23
Arkansas	48	32%	28
California	38	25%	34
Colorado	95	63%	9
Connecticut	66	44%	15
Delaware	109	73%	4
Department Of Defense	107	71%	5
District Of Columbia	96	64%	8
Florida	81	54%	12
Georgia	84	56%	11
Hawaii	64	43%	16
Idaho^	0	0%	52
Illinois	60	40%	17
Indiana^	0	0%	52
Iowa**	0 (31)	0% (21%)	43
Kansas	111	74%	3
Kentucky	59	39%	20
Louisiana^	0	0%	52
Maine	46	31%	31
Maryland	102	68%	6
Massachusetts	86	57%	10
Michigan**	0 (107)	0% (71%)	37
Minnesota	60	40%	17
Mississippi^	0	0%	52
Missouri	49	33%	25
Montana**	0 (65)	0% (43%)	38
Nebraska**	0 (34)	0% (23%)	42
Nevada	34	23%	36
New Hampshire	59	39%	20
New Jersey^	0	0%	52

**Total Score and Rankings for All States  
in Alphabetical Order**

States	Final Score*	Percent of Total Score	Rank
New Mexico	50	33%	24
New York	72	48%	13
North Carolina	69	46%	14
North Dakota	46	31%	31
Ohio^	0	0%	52
Oklahoma	120	80%	1
Oregon	36	24%	35
Pennsylvania**	0 (41)	0% (27%)	40
Rhode Island	60	40%	17
South Carolina**	0 (39)	0% (26%)	41
South Dakota^	0	0%	52
Tennessee	49	33%	25
Texas**	0 (15)	0% (10%)	44
Utah	48	32%	28
Vermont	40	27%	33
Virginia^	0	0%	52
Washington	119	79%	2
West Virginia**	0 (64)	0% (43%)	39
Wisconsin	59	39%	20
Wyoming	49	33%	25

\*Final scores reflect an adjustment based on the number of children paid providers could care for before being licensed.

\*\* States receive a zero if they do not inspect family child care homes prior to issuing a license. The score these states otherwise would have received is listed to the right of the zero.

^States receive a zero if the number of children that a provider can care for without a license exceeds six.