



REPORT - DCYF CHILD CARE CENTER LICENSING FORUMS

In March 2012, the National Association for Regulatory Administration (NARA Licensing) entered a partnership with DCYF and the RI Early Learning Council with the goal to review and update Rhode Island’s child care center licensing regulations (including school-age child care) and improve the Rhode Island Department of Children, Youth and Families’ Child Care Licensing Unit’s monitoring policies and procedures to promote consistent enforcement of regulations. Verifying compliance with critical licensing regulations is a basic indicator of quality incorporated in BrightStars, Rhode Island’s Quality Rating and Improvement System and is also required for community-based programs to receive approval by the Rhode Island Department of Education as a Comprehensive Early Childhood Education Program.ⁱ

NARA’s approach to rule revision is based on a long history and research in licensing best practices, asserting that strong licensing is the foundation of quality and a central component of a strong early care and education system. The key components of strong licensing include sound statutory authority; scheduled rule reviews every 3-4 years; and strengthening regulatory agency performance according to best practices.

NARA advises the rule revision process itself respond to emerging research and trends and events within the child care field and within the state’s context. The process should include broad public outreach and consultation, and pay attention to operational reasonableness and cost considerations, including provisions for phasing in new requirements if necessary.ⁱⁱ

The Rhode Island Revision Project has included the engagement of NARA expert, Kristi Simpson in the revision and updating of RI’s Child Care Center and School-Age Child Care Center licensing regulations. Beginning in March, a first round drafting in “track changes” was conducted, incorporating best practices recommendations based on source documents such as Caring for Our Children.ⁱⁱⁱ

MAY STAKEHOLDER FORUMS

As part of the public outreach initiative, NARA with DCYF and RI Kids Count engaged in two May forums: 1) with the DCYF licensing staff to discuss the first round draft and consider there incorporation of strength factors for licensing regulations; and, 2) a forum with local quality monitoring and quality improvement experts, including representatives from BrightStars QRIS, RIDE preschool approval, the Rhode Island Child Care Support

Network, the Rhode Island Child Care Facilities Fund, Ready to Learn Providence, the Rhode Island Early Learning Standards project, and Rhode Island KIDS COUNT.

In follow-up, an online survey of stakeholders was conducted to gather ideas, concerns, and priorities for rule revision.

Key themes emerged from the May meeting and surveys. These included an agreement that the RI rules are basically sound and need clarifying and updating, but a priority task is improving the consistency of the application of the rules, monitoring and enforcement. The external stakeholders urged the process to tackle tough compliance issues by identifying high priority rules, gathering accurate data on program compliance, and requiring those programs that are out of compliance to come into compliance over a clearly defined time period. They also urged that the process include the provision of resources to support compliance if needed.

In their survey responses, stakeholders suggested specific updates of health and safety regulations, and many of these have already been incorporated in the draft, based on best practice reviews, and licensing staff recommendations.

Common threads in the stakeholder surveys included providing clarity in definitions and enforcement of rules relating to licensing capacity, group size, and staff-child ratios across programs. Respondents also suggested staff qualification requirements be revised for program administrators - directors and head teachers - to ensure classroom staff are supported and management decisions are made based on adequate understanding of child development. In addition, those surveyed advised the revision of pre-service training and ongoing professional development requirements to assure content quality.

Other key themes included aligning the terms, conceptual frameworks, and requirements across licensing, BrightStars and RIDE preschool approval, advising the use of licensing as the foundation for quality, while acknowledging that BrightStars and the RIDE preschool approval process can support attainment of higher program quality standards.

NARA RECOMMENDATION – Clarify definitions and terms for group-size, staff-child ratios, differentiated staff titles and qualifications.

NARA RECOMMENDATION – Develop a side-by-side on key shared characteristics and differences between licensing, BrightStars, and RIDE Preschool requirements.

JULY PROVIDER FORUMS

Three child care provider forums were held July 25-26, 2012 – two for Child Care Centers and one for School-Age Care Programs. All licensed early childhood and school-age centers in the state were invited to participate in these forums via a DCYF mailing. A total of 69 individuals were in attendance at the three forums.

Each session included brief introductions and a discussion of the DCYF rule revision process. Participants were informed that stakeholder input is being collected in various settings from July through September with expected drafts for review available from November through December. They were also informed there will be a public hearing process with a second-round draft in early 2013.

The facilitator provided an explanation of general recommendations for strengthening the licensing system included in NARA's Call to Action handout. Participants were advised that a strong licensing system is dependent on rules and requirements that are regularly reviewed and revised, and that revisions should be responsive to emerging research, changes in best practice, and trends or events within the state. A sound rule revision process provides ample opportunity for stakeholder input and the three forums were designed as a starting point.

In beginning each discussion, the facilitator noted that strong regulations must be reasonable and achievable, observable and/or measurable, and enforceable. Rules must also be clear and consistent throughout.

Each group was asked to provide feed back to a set of questions provided. General responses from the stakeholders appear below. Since the questions for each forum were the same, individual responses reflecting the type of setting are noted where appropriate.

What are the strengths of the Rhode Island rules? What do you like about them?

In general, participants were quite positive about the current rules and find them fairly straightforward. They agreed that rules are important to ensure children's health, safety and development and that a license tells the public that a program provides a safe and healthy environment. The rules give licensed programs credibility. .

Both center-based and school-age providers said that the rules offer a starting point for talking with parents about the important attributes of their programs. Several providers with board-oversight highlighted the rules were a tool to explain quality standards and assure sound budgeting/funding to meet them.

Participants agreed that the rules provide a "roadmap" for their day-to-day operations and are a resource for talking with and training staff. One provider noted that she felt the unannounced visits were a strength of the current regulations, helping her stress with staff the ongoing and consistent application of the rules. They also like receiving their

reports immediately. Several noted appreciating the post-inspection discussions with the licensing staff, finding their recommendations helpful for improving their programs.

What are the key weaknesses? What don't you like about them? What are your major concerns?

Though participants did have specific rules that they felt needed changing as noted below, participant concerns more generally reflected inconsistency in the application of the rules rather than specific weakness in the rules themselves. In all three forums, providers noted disparity in inspection practices among monitors. This variation occurred between inspectors but also from one monitoring session to the next by the same inspector. One participant noted that during visits, they are not sure everything explained is based on regulation or the licensors "recommendation."

Different inspectors should not interpret the rules differently. Participants agreed the rules should be applied in the same way each inspection but also they should apply in the same way to everyone and across the varied settings.

NARA RECOMMENDATION – Assure procedures manuals address consistent application of regulations.

NARA RECOMMENDATION – Develop a Rhode Island specific training program for licensors to include licensing basics and consistency or inter-rater reliability, risk assessment and quality measures and observation across program settings. [Note: online USM-NARA courses that are immediately available include – History and concepts of licensing best practice, phases of licensing, investigation and evidence, enforcement, regulatory ethics, balanced use of authority, complaint investigation and suppression of illegal operations.]

Participants in all three sessions expressed anxiety that because the rules were adopted so long ago, they now have "20 years of change to make up." Providers are often worried by discussions of "best practice" and fear that changes in "Caring for Our Children" are out of reach for some. Change can be difficult but is made even more so when it is not clear WHAT is going to change. During the final session, participants expressed directly what was implicitly addressed in the previous two sessions – a worry that changes to the rules will take effect without providers seeing the specific proposed changes and having an opportunity to respond.

NARA RECOMMENDATION – Include a paragraph in the draft rules explaining the strengths of the previous rules and include pull-outs with explanations of all major changes

NARA RECOMMENDATION – Once rules are reformatted and drafted – provide copies to the stakeholder community. Provide an online opportunity/survey for the submission of comments.

During the school-age forum, stakeholders expressed concern that the rules are inconsistently applied for afterschool programs operated by schools (public schools, private schools, parochial schools) They also noted the rules should be consistently applied to enrichment, academic, or recreational programs.

NARA RECOMMENDATION – Clarify in rules which afterschool programs are exempt from school-age child care license requirements.

NARA RECOMMENDATION – Highlight that once rule revisions are finalized, the state will develop procedures or “user” guides for licensing staff, providers by varied settings, and for parents.

In all three sessions, there seemed some confusion as to the application of new RIDE and or BrightStars standards in all child care settings. One respondent noted that the RIDE process and standards cannot be “forced into DCYF regulations or we’d all have to shut down.” When advised that the DCYF regulations would be “aligned” with the RIDE and QRIS standards, participants asked for clarity on what “alignment” means – does it mean that they are the same, or different but connected?

NARA RECOMMENDATION – State leaders should clarify what they mean by the term alignment and that a glossary for the regulations include a definition of alignment.

NARA RECOMMENDATION – Prepare a comparison chart for standards that are shared or different for DCYF programs, RIDE programs, and BRIGHT STARTS.

[NOTE: the reformatting of the DCYF rules and alignment of specific language has already been recommended and is currently underway by NARA expert Kristi Simpson.]

Several individuals noted that some health and safety issues are not directly measurable or observable, and that this is even truer for the “development and learning” sections of the rules.

NARA RECOMMENDATION – clarify rules where possible to make certain health and safety and teaching and learning requirements are observable and measurable.

Are there specific rules that you find confusing? What particular rules are problems? (Do you have suggestions or recommendations on how to solve the problem?)

Following are the specific rules addressed by individuals from all sessions combined. be included in the public report. Many have already been addressed in the rule drafts, based on discussions with the licensing staff, while the revision writer and process management team will consider others.

A few items were noted in all three sessions. These include:

- Eliminate or reduce the requirements for onsite nurses 3 hours every morning in centers serving infants under 18 months. This is a significant barrier and cost for programs serving infants. Concern that Rhode Island is only state with this requirement. Allow health consultation services to be provided by other health-care professionals and apply to all centers, not just those serving infants under 18 months.
- Clarify the regulations for outdoor playgrounds and equipment – include square footage requirements, distance from buildings, and surfacing requirements. Clarify WHO is in charge of inspecting/approving playgrounds.
- 30 days of lesson plans are not realistic – particularly if settings are to use developmentally appropriate practice. (All three sites also expressed that Licensing Inspectors should have training in development in order to observe and assess lesson plans and other early learning practices.)
- Group size for prek classrooms was also noted as problematic for settings that previously ran preschool programs before RIDE standards were developed.
- Any increased staff qualification changes were a significant concern, All three sites noted that the BA requirement eliminates long-serving and experienced staff. Recent college grads may come aboard for the short-term but are likely to leave for better paying jobs after one or two years of service.
- Allow associate degrees in child development to replace the BA for Directors
- Allow alternatives to college degrees like training or experience in the field. Look at other credentials and credential exemptions in other states (MA)
- Family style meals and snacks a concern. Very young children should not be serving food.

[NOTE: There is obviously some confusion on rule requirements for licensing and requirements for BrightStars and RIDE preschool approval. For the purposes of this report, these concerns highlighted in the final four bullets above are included for your information. These may be address in the alignment effort underway with the rules, and the recommended side-by-side above.]

Individually cited rules for clarification or change:

- The staff –qualifications should vary for program type – e.g. for part-time programs or those with less than 40 children, the Head Teacher should be able to be the Director.
- Use of bleach for cleaning should be eliminated. “Green” alternatives should be encouraged.
- Clarify when and where a “food handlers license” is required.
- Fire extinguisher inspections are costly – \$95 year – how can this be rectified.
- BCI/CANTS checks for parent volunteers are costly.
- Eliminate lifetime background checks and require regular and ongoing checks of staff

- Provide guidance on the required 20 hours of training (where/when, external/internal, how meaningful?) AND assure that sufficient high-quality, state-wide training opportunities are provided that meet the needs of staff (location, time of day, language of staff) and the needs of programs (affordability, focused on quality improvement goals, basic training for new staff, etc.)
- Clarify staff qualification requirement for parent cooperatives. Is it possible to differentiate requirements?

What should be added?

- Require annual staff training on indicators of child abuse and neglect
- Provide a definition of commercial refrigeration and when it should be required.
- Rules should require I.D. be shown by every adult picking up each day (recommended by larger program – smaller providers disagreed – but suggested this could apply to them when volunteers or substitutes are staffing departures.)
- Immunization forms should be standardized across agencies and programs
- Align emergency preparedness requirements with those of the state fire marshal.
- Require and provide short statewide training on lock-down procedures.
- Require emergency plans and supplies be portable and removable from the premises

What could you use help with? Do you have additional recommendations or ideas?

- A glossary of definitions and terms would be very helpful.
- If there are major changes to rules that have direct cost implications to the provider, allow sufficient time for implementation and provide resources to support compliance with new rules
- Hyperlink the new rules to the citations in the best practices documents (COC – Stepping Stones, etc.)

For the Rules themselves and the Licensing Agency

- Set standards for licensing staff (pre-service requirements and in-service training).
- Ensure licensing staff are adequately trained to review early childhood curriculum and teaching practices, if they are expected to review and identify violations or provide recommendations. It is not clear that licensing staff have adequate professional preparation to play this role. Licensing staff generally do not have as much training or background in early childhood curriculum as the providers do. Provide info to providers about the early childhood training and experience of licensing staff.
- Apply rules consistently.
- There should be consequences for non-compliance – fines, online posting of violations.

- Provide a graduated series of enforcement actions (based on risk assessment and gravity of compliance issue)
- Clarify the appeals process – allow for grievance progressions. Develop redress for “hot line” complaints that prove unfounded.
- Child care licensing fees, fines and penalties should be used to support high-quality licensing services and not be used in the general fund to balance DCYF budget.
- License renewal application process should be electronic.
- The rules from other agencies (RIDE, health, fire etc.) should “not be referenced” in the child care rules but should be cited explicitly and directly. If there are references to other sets of rules then they should be hyperlinked online to take reader there directly. (e.g. Fire Department links to fire code.)
- DCYF should not refer rule queries to other agencies.

NARA RECOMMENDATION – NARA with DCYF should consider each of these bullet points line-by-line for clarity, alignment with statutory requirements, feasibility, and cost implications.

ⁱ NARA-RI Scope of Work, March 2012.

ⁱⁱ Strong Licensing: The Foundation for a Quality Early Care and Education System – NARA’s Call to Action, 2011. www.naralicensing.org/call_to_action

ⁱⁱⁱ National Health and Safety Performance Standards – Guidelines for Early Care and Education Programs, 2011. <http://nrckids.org/CFOC3/>