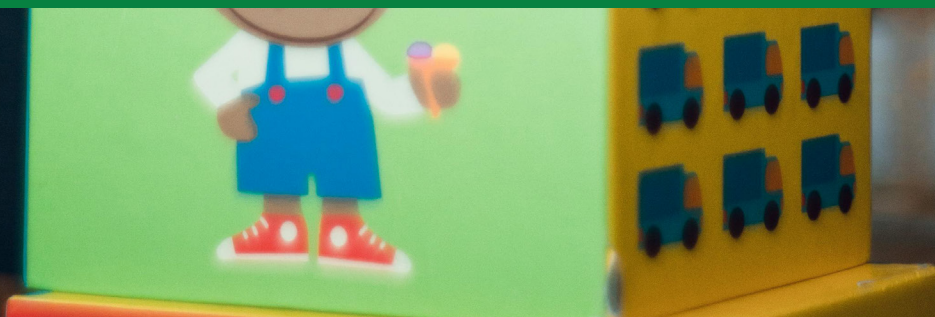




Review of Child Care and Early Education Licensing Guidance Documents



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Overview

Child care and early education¹ (CCEE) **licensing guidance documents**, or **interpretive guidelines**, are written materials that provide additional information and suggestions about **licensing regulations** or **procedures**. They are important because they can help providers understand licensing and can improve consistency among CCEE licensing staff in monitoring providers (NARA, 2020). In 2017, according to the Child Care Licensing Study, about 54% of states reported that they had developed interpretive guidelines for licensing regulations (NARA, 2017). However, the Child Care Licensing Study did not explore what was addressed in these documents.

This report from *The Role of Licensing in Early Care and Education (TRLECE)* project provides a description of 91 licensing guidance documents from 28 states. Because little is known about what licensing guidance documents include, this report can inform future research and licensing practices. We aim to help state and territory licensing teams learn about other states' licensing guidance documents, and possibly inform the development of their own by providing a high-level description of publicly available licensing guidance documents. Although we provide some examples from these documents to show the variation included in these documents, we are not suggesting best practices.

In this report, we first describe our approach to conducting this review and the limitations of this work (Box A). Next, we describe the documents, beginning with a discussion of the general components of the licensing guidance documents (e.g., audience, setting type). We then describe key findings about topics the documents address. At the end of this report, there is also a glossary of terms commonly used in this report, a more detailed description of our methods (Appendix A), the list of the documents included in our review (Appendix B), and a table listing the codes we used to review the documents, as well as the percentage of documents and states to which we applied each code (Appendix C).

Research questions and approach

This review of publicly available licensing guidance documents addressed three questions:

1. Who are licensing guidance documents for (e.g., CCEE providers, licensing staff; setting types), and what is their purpose?
2. How are licensing guidance documents organized?
3. What topics do licensing guidance documents address?

Please see Box A below for a description of our approach to this review of licensing guidance documents.

¹ The first time we use a term that is defined in the glossary, it will appear in bold purple text. View the [glossary section](#) toward the end of this document for definitions.

Box A. Approach and limitations

Approach

1. **Defining licensing guidance documents:** Our team developed the following definition of CCEE licensing guidance documents: “any public document that provides guidance, context, clarification, or information beyond the licensing regulations for more than one regulation, or any document that provides information about licensing processes or procedures.” We used this definition to determine which documents to include in our review.
2. **Searching for licensing guidance documents:** We used Google and states’ licensing agencies’ websites to search for publicly available licensing guidance documents. We also released a public Request for Information (RFI); four states sent us documents based on this request. Additional details about this RFI are provided in Appendix A.
3. **Developing a codebook:** With input from the Office of Planning, Research, and Evaluation and the TRLECE Technical Expert Panel, our team created a codebook to use as we conducted a high-level review of the types of information covered within the licensing guidance documents.
4. **Coding licensing documents:** The team used Dedoose, an online coding software, for coding. Team members established reliability (i.e., consistency in coding between team members), reviewed documents, and applied codes based on the definitions in the codebook. Additional details are provided in Appendix A.

Limitations

- Our review does not include licensing guidance documents from each state. Our review only includes publicly posted, downloadable licensing guidance documents, as well as documents sent to us by states in response to our RFI. Some states may have licensing guidance documents available, but do not publicly post them, or some states may only have licensing guidance available as website text or within videos.
- Our codebook represents a high-level review of documents to describe the types of information covered. Our review of documents was comprehensive, but not exhaustive. There may be some details in documents that were not captured in our review.

See Appendix A for a more detailed discussion of our approach to this review.

Key findings and highlights

Key findings and highlights from our review of 91 licensing guidance documents from 28 states include the following:

- Licensing guidance documents that we reviewed tended to contain three broad categories of information: general document components (e.g., title, audience), information related to licensing regulations (i.e., the rules that licensed CCEE facilities must follow to legally operate), and information related to licensing procedures (i.e., information about carrying out the functions of licensing like how to conduct **inspections**).
- Most of the licensing guidance documents (60%) focused on both licensing regulations and licensing procedures.
- Licensing guidance documents focused on a variety of setting types. Sixty-three percent of the documents focused on one setting type. Of these documents, 46% focused on family child care (FCC) programs and 44% focused on child care centers. A quarter of documents (25%) focused on multiple setting types.
- Licensing guidance documents addressed a variety of topics. Licensing guidance documents commonly addressed training, inspections, **incidents**, **enforcement**, applications, **complaints**, coordination with partners, and **appeals**.

Description of Child Care and Early Education Licensing Guidance Documents

We found licensing guidance documents from 28 states. This number is similar to the number of states that reported in the 2017 Child Care Licensing Study that they had developed interpretive guidelines for licensing regulations (NARA, 2017). It is possible that the remaining states have licensing guidance documents that are not publicly available. This section describes the content of the guidance documents we identified from the 28 states.

Licensing guidance documents that we found and reviewed tended to contain three broad categories of information:

- **General document components** (e.g., title, audience),
- Information related to **licensing regulations** (i.e., the rules that licensed CCEE facilities must follow to legally operate), and
- Information related to **licensing procedures** (i.e., information about carrying out the functions of licensing like how to conduct inspections).

Similarly, this report describes findings about common elements addressed in licensing guidance documents within these three categories.

In describing these findings, it is sometimes useful to know the extent to which something was present in the documents we reviewed—and sometimes useful to know the extent to which a state addressed a particular topic in any of its licensing guidance documents. This report sometimes presents findings about the percentage of **documents** and other times presents findings about the percentage of **states**, depending on what is most meaningful. Note that information presented as the percentage of states is out of 28 states, the number of states for which we could find at least one licensing guidance document.

This report also includes examples from some licensing guidance documents. We selected examples to show the variety of information included in licensing guidance documents; these examples do not represent any judgment of the quality of guidance presented.

General components of documents

This section of the report describes some general components of licensing guidance documents, including title, audience, setting type, purpose, and topics most often addressed.

Titles of licensing guidance documents

All documents reviewed for this report aligned with the team’s definition of “licensing guidance,” but the documents had a variety of titles (see Appendix B). Commonly used terms within licensing guidance document titles included “guidance,” “manual,” and “standards.”

This report is part of the project [The Role of Licensing in Early Care and Education \(TRLECE\)](#). TRLECE is funded from 2019-2024 by the Office of Planning, Research, and Evaluation in the Administration for Children and Families. The project team includes staff from Child Trends and ICF. The team has conducted a variety of activities to strengthen the field’s understanding of child care and early education licensing.

Audiences and setting types of licensing guidance documents

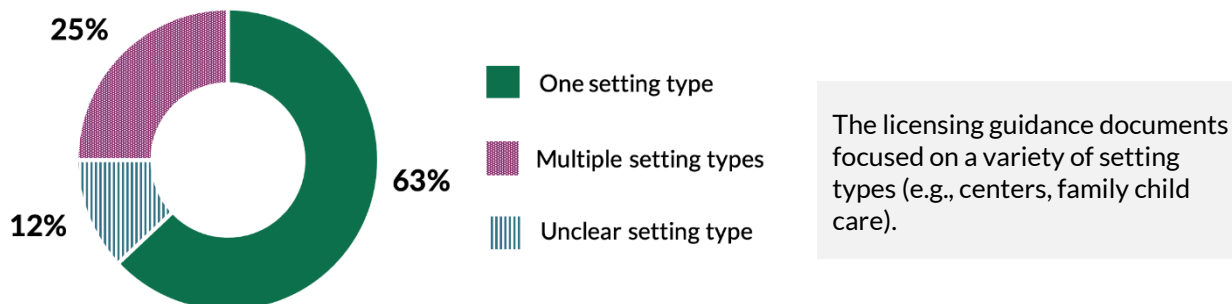
Audience

Most of the 91 licensing guidance documents we reviewed (80%) included a statement to identify a primary audience.

- 68 licensing guidance documents (75%) identified CCEE providers and/or licensing staff as the primary audience(s) of the document.
 - 32 licensing guidance documents identified CCEE providers as the **only** primary audience.
 - 19 licensing guidance documents identified licensing staff as the **only** primary audience.
 - 17 licensing guidance documents identified both CCEE providers and licensing staff as the primary audiences.
 - 5 of these documents also identified families as a primary audience.
 - 6 of these documents also identified another audience (e.g., the community, technical assistance staff).
- A few documents noted others as the primary audience:
 - 3 licensing guidance documents identified families as the **only** primary audience.
 - 2 licensing guidance documents identified another audience (e.g., the general public) as the **only** primary audience.

Setting type

Figure 1. Number of Setting Types in Licensing Guidance Documents



Source: TRLECE 2023 Review of Licensing Guidance Documents

As shown below in Figure 2, most of the documents with one setting type focused on family child care (FCC) programs or centers, and a few focused on school age programs. Additionally, 4% of documents with one setting type focused on a setting type other than FCCs, centers, or school age settings (e.g., day camps).

Figure 2. Licensing Guidance Documents that Focused on Only One Setting Type



Source: TRLECE 2023 Review of Licensing Guidance Documents

Of the documents that focused on multiple setting types, 91% focused on both centers and FCCs. Some of these also focused on school age programs and/or other setting types (e.g., day camps). Thirty percent of documents with multiple setting types focused on a setting type broader than CCEE in addition to a CCEE setting, such as both CCEE centers and senior care programs. Whether a licensing guidance document focused on one or multiple settings may reflect the purpose of the document, the relevancy of the content to various settings, or other factors.

Purpose of licensing guidance documents

About half of licensing guidance documents (55%) included the document’s purpose. We defined “purpose” as going beyond specifying the audience (e.g., licensing staff) to describe how the document is intended to be used or why the document was created. Examples of purposes included: helping licensing staff consistently interpret licensing regulations or determine compliance, providing resources to support providers in maintaining compliance with licensing regulations, educating technical assistance providers about licensing regulations, or using the document as a training tool for new providers. The following are two sample purpose statements from the licensing guidance documents we reviewed:

“This guidance document provides information on each licensing change impacting licensed child care centers enacted during the legislative session. This document is to help you understand how to come into compliance with new requirements.” – Minnesota: A Guidance Document for Licensed Child Care Centers: Changes from the 2017 Legislative Session and What It Means for You (pg. 2)

“The Interpretive Guideline document is a guide intended to assist Child Care Licensors (CCL) with interpreting the regulations set forth for child care facilities. This assists with consistent application of the regulations. This document can also assist child care providers and caregivers in developing a better understanding of the regulations as well as what is being looked at by the CCL during a licensing inspection. It can also be used as a training resource for new and existing caregivers.” – Montana: Interpretive Guidelines Family and Group Child Care Facilities (pg. 3)

Formats of licensing guidance documents

Licensing guidance documents had a variety of formats and organizational structures.

- Seventy-six percent of the documents included an introduction.
- About half of the documents (48%) included a definitions section, either as part of the licensing regulations included in the document or separate from the regulations.
- Thirty percent of the documents had a resources section that included resources beyond the document and regulations, such as the state’s Quality Rating and Improvement System website or information about Child Care Resource & Referral agencies.

Forty percent of the documents included information on how to read the document. For example, documents noted the formatting for different types of information:

“The text of each regulation appears in bold type. The guidance information appears in italics. The referenced forms and resource documents appear in red italics.” – Maryland: Child Care Center Licensing Manual (pg. i)

“The manual is divided by rule categories into 24 sections with each section containing four main types of information. Rule – the actual rule text is printed in black bold font. Rationale/Explanation – this explains the reason for a specific rule... Compliance Guidelines – this provides guidance in achieving or maintaining compliance with a specific rule. Risk Level – this describes the level of risk or harm that occurred.” – Utah: Rule Interpretation Manual: Out of School Time Introduction (pg. 6)

Documents also used headers or tables to clarify the different types of information included. The screenshots below of licensing guidance documents from Colorado and Indiana provide examples of this.

Figure 3. Colorado: Administrative Guide Rules Regulating Child Care Centers (pg. 1)

Regulation	Rule Text	Clarification	Rationale/Resources	Program Type
7.702.1B2	A “small child care center” provides care for five (5) through 15 children between the ages of two (2) and 18 years.	When a “small center” is combined with an “infant or toddler program” all infant and toddler rules apply except to those “small centers” that only enroll children from the ages of 2 to 18 years. Programs have the flexibility to determine the ages of children they will enroll into the program.	This regulation is now in alignment with state statute which allows for children up to the age of 18. This is to indicate a change in statute from 16 to 18 years of age.	Small Center, Infant, Toddler

Source: Colorado: Administrative Guide Rules Regulating Child Care Centers licensing guidance document

Figure 4. Indiana: Interpretive Guide for Child Care Center Rules (pg. 11)

◆ Intent:
The purpose is to ensure a consistent definition of visitor. For the safety of children in care, a visitor should be closely monitored whenever she/he is in the presence of children in care.

○ Assessment Method:

- A visitor is an individual who either observes or assists with the care of children for less than 8 hours per month. A visitor shall not be counted toward child/staff ratios and must be under the supervision and direct observation of at least a Caregiver at all times and shall not be alone with the children at any time.
- Visitors are not paid by the child care center.

▲ Threshold of Compliance:

- Check staff assignment to verify number of hours per month for each visitor.

Source: Indiana: Interpretive Guide for Child Care Center Rules licensing guidance document

Note: According to Indiana’s Interpretive Guide for Child Care Center Rules, the symbol ◆ is used to indicate the intent of the licensing rule; the symbol ○ is used to indicate the assessment method for the licensing rule; and the symbol ▲ is used to indicate the threshold of compliance for the licensing rule.

Topics commonly addressed in licensing guidance documents

As shown in Figure 5, most of the licensing guidance documents focused on both licensing regulations and licensing procedures.

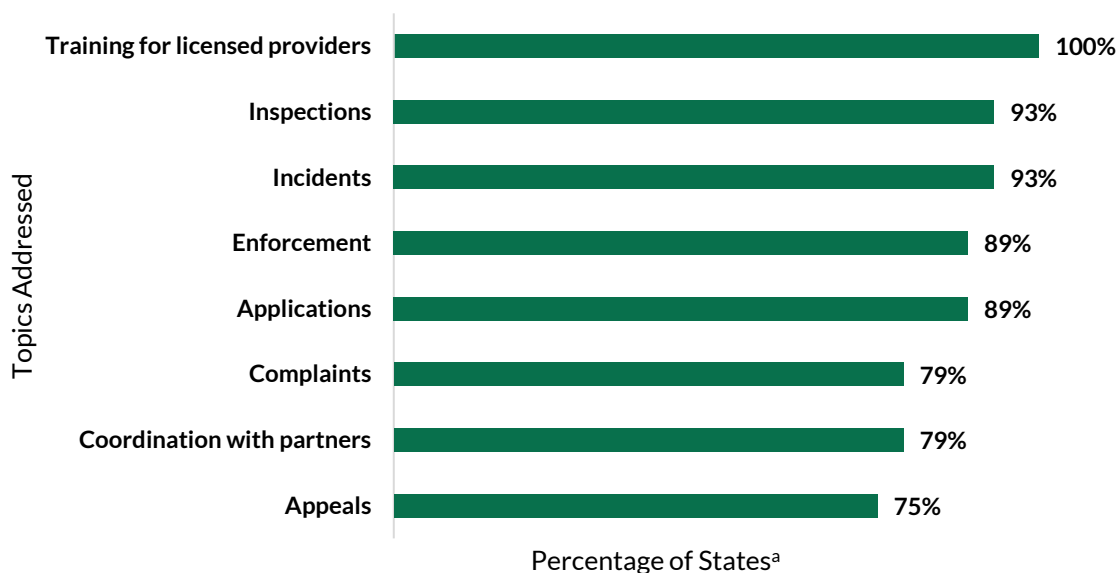
Figure 5. Licensing Guidance Documents’ Focuses on Licensing Regulations and Procedures



Source: TRLECE 2023 Review of Licensing Guidance Documents

All states for which we found and reviewed documents (i.e., 28 states) had at least one document that addressed training for licensed providers. The most common topics addressed in licensing guidance documents are listed in Figure 6 below. All of the topics addressed most commonly in licensing guidance documents were related to licensing procedures.

Figure 6. Common Topics Addressed in Licensing Guidance Documents



Source: TRLECE 2023 Review of Licensing Guidance Documents

^a Percentage of states refers to the percentage of states for which we found a licensing guidance document (28), not the total number of states.

A few topics were not covered very often. Four of the 28 states (14%) had a publicly available licensing guidance document that covered at least one of these topics: the history of licensing regulations, supervision of licensing staff, training for licensing staff, and use of technology by licensing staff.

Licensing regulations

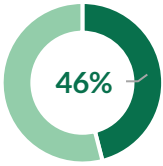
Licensing guidance documents varied in referencing, including, and clarifying the state licensing regulations, which are the rules that licensed CCEE facilities must follow to legally operate.



82% of the 28 states for which we reviewed documents **addressed regulations** in at least one guidance document.



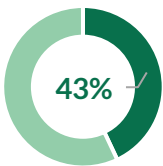
61% of the 28 states for which we reviewed documents included the **actual regulation text** within at least one document. For example, some states' licensing guidance documents included the regulation text at the top of a section immediately preceding the guidance.



About half of the states for which we reviewed documents (46% of 28 states) had at least one document that included a rationale (i.e., the reason, intent, or importance) for the regulations. The excerpts below include examples of rationales for licensing regulations on electronic storage of records and sleeping equipment, respectively.

“WHY THESE RULES ARE IN PLACE: To ensure the required files and documents can be reviewed by Office of Child Care (OCC) staff when it is necessary. These items must also be accessible during an emergency evacuation situation.” – Oregon: Rule Guidance: Storage of Electronic Records (pg. 1)

“The intent is for children who are expected to spend their night-time sleep routine at the center (even if interrupted by departure), the sleeping equipment is comfortable and off the floor.” – West Virginia: Supplement to Child Care Centers Licensing (pg. 60)



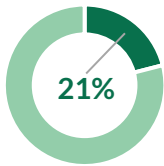
Nearly half of the states for which we reviewed documents (43% of 28 states) had at least one licensing guidance document that offered recommendations or best practices beyond the licensing regulations, as seen in the examples below.²

“§747.2331. Must I share a daily report with parents for each infant in my care?”

No, you are not required to provide a daily written report to the infant’s parents. Technical Assistance – Recommendation: Although a written report is not required, children benefit when caregivers share any significant information with the children’s parents.” – Texas: Minimum Standards for Licensed and Registered Child-Care Homes (pg. 136)

“Additional Recommendations to Consider: The minimum requirements are basic in providing quality child care in child development homes. The following recommendations are not requirements, but they are suggestions for improving the quality of child care programs and for improving the child care home administration.” – Iowa: Child Development Home Registration Guidelines (pg. 34)

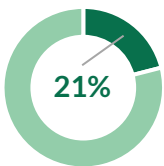
² Our team did not decide what was a best practice, but rather looked to see if the document offered “best practices” or “additional recommendations” to consider that went beyond complying with the licensing regulations.



Around one fifth of states for which we reviewed documents (21% of 28 states) had at least one licensing guidance document that addressed the severity level of the regulation. Some **licensing agencies** assign higher severity levels to regulations that, if violated, would pose a greater risk to children.

“This manual also identifies core rules and how compliance with these rules is directly related to children’s health and safety. Core rules are evaluated by child care consultants during every licensing study and monitoring visit. Each time a core rule is cited, the risk level (i.e., low, medium, high, extreme) is assessed and the compliance of the program may be impacted.” – Georgia: Family Child Care Learning Homes Rules & Regulations Indicator Manual (pg. 2)

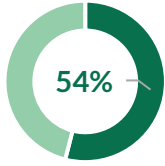
“The minimum standards and rules are weighted based on a common understanding of the risk to children presented if the standard or rule is violated. The weights are high, medium-high, medium, medium-low, and low.” – Texas: Minimum Standards for Child-Care Centers (pg. 5)



Around one fifth of states for which we reviewed documents (21% of 28 states) included regulations from other departments outside of CCEE licensing, such as the state’s health department. Additionally, **a few states (14% of 28 states) had at least one document that addressed the history of regulations;** see examples below.

“History of Licensing. In 1953, the state of Oklahoma passed the Oklahoma Child Care Facilities Licensing Act...In 1963, the lack of substance to the original law prompted the state legislature to give the Oklahoma Department of Human Services the authority to develop minimum requirements for child care and the authority to regulate care...Today, Child Care Services licenses and monitors almost 3,000 programs operating as family child care homes, child care centers, daycamp, drop-in, out-of-school time, part-day, programs for sick children, residential programs, children’s shelters and child-placing agencies.” – Oklahoma: Understanding the Licensing Process Rights and Responsibilities (pg. 10)

“History of Updated Foundational Quality Standards for Early Learning Programs. In 2015, DCYF [Washington State Department of Children, Youth, and Families] recognized our child care licensing rules were outdated, disorganized and internally conflicting. We embarked on an inclusive process, known as standards alignment. Family home providers, center providers and other stakeholders reviewed and updated our state’s child care licensing rules ... For further details on this historical journey of the Foundational Quality Standards (Chapter 110-300 WAC), please visit the online Foundational Quality Standards for Early Learning Programs Guidebook.” – Washington: Child Care and Early Learning Licensing Guidebook 2020 Edition (pg. 7)



About half of the states for which we reviewed documents (54% of 28 states) had at least one document that provided additional information about regulations. This additional content varied, and examples included technical assistance, policies and practices, responsibilities, and resources. The following are a couple of examples of this variation.

“This manual is on the rules for child care centers. For each rule, you will typically find 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 how to comply with the rule. The consultation section contains recommendations and best practices for going beyond rule requirements to improve the quality of care provided.” – Michigan: Technical Assistance and Consultation Manual for Child Care Centers (pg. 1)

“Vermont Child Care Immunization Report (rule 5.1.4)...What It May Look Like in Your Program. Policies and Practices: Regulated child care and preschool programs in Vermont, including FCCCHs [family child care homes], are required to submit an immunization survey for the children enrolled...FCCP [family child care provider] Responsibilities: Collect immunization documentation (rule 3.3.4.1). Have the parent provide a copy of the child’s immunization record...” – Vermont: Family Child Care Homes Guidance Manual (pg. 50)

Licensing procedures

Documents commonly addressed training for CCEE providers, inspections, communication from the licensing agency, and licensing staff qualifications and responsibilities.

Training for CCEE providers



All 28 states for which we reviewed documents had at least one licensing guidance document that addressed training for CCEE providers. How documents addressed training for providers varied; some documents outlined all of the training requirements for providers, whereas other documents only briefly mentioned specific training requirements. Documents also discussed, for example, types of required trainings (e.g., nutrition, developmental delays, safe sleep practices), the records providers need to maintain about completed trainings, and where providers could find and take trainings (e.g., online portal).

Inspections

Inspections, sometimes known as licensing visits, are a key aspect of CCEE licensing.



Nearly all states for which we reviewed documents (93% of 28 states) had at least one document that addressed **inspections**.



Most states for which we reviewed documents (86% of 28 states) had at least one document that addressed **routine inspections** (e.g., required annual inspections).



About three-fourths of states for which we reviewed documents (71% of 28 states) had at least one document that addressed **pre-licensure inspections**.

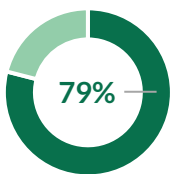


Half of states for which we reviewed documents (50% of 28 states) had at least one document that addressed **inspections about complaints**.

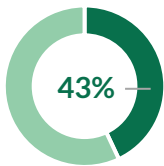
States' licensing guidance documents presented a variety of information about inspections and organized the information differently. For example, some states had documents solely dedicated to the inspection process, while other states included information about inspections in a larger document focused on a wide range of licensing procedures.

Communication from the licensing agency

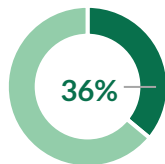
Some states' licensing guidance documents described communication between the licensing agency and CCEE providers, state partners, and the general public.



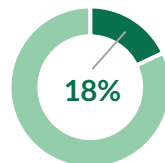
Around three-fourths of states for which we reviewed documents (79% of 28 states) had at least one document that addressed coordination with partners or collaboration with external entities. For example, documents addressed how CCEE providers receive a fire inspection from the local fire marshal and how licensing coordinates with Child Care Resource & Referral agencies and health departments.



A little less than half of the states for which we reviewed documents (43% of 28 states) had at least one document that addressed consumer education. These licensing guidance documents included information about communicating with families or the public about licensing, such as requirements about public access to licensing records or how families could file a complaint against a CCEE provider.



Around one third of the states for which we reviewed documents (36% of 28 states) had at least one document that addressed some other type of communication (e.g., gathering input from families or providing data to external agencies).

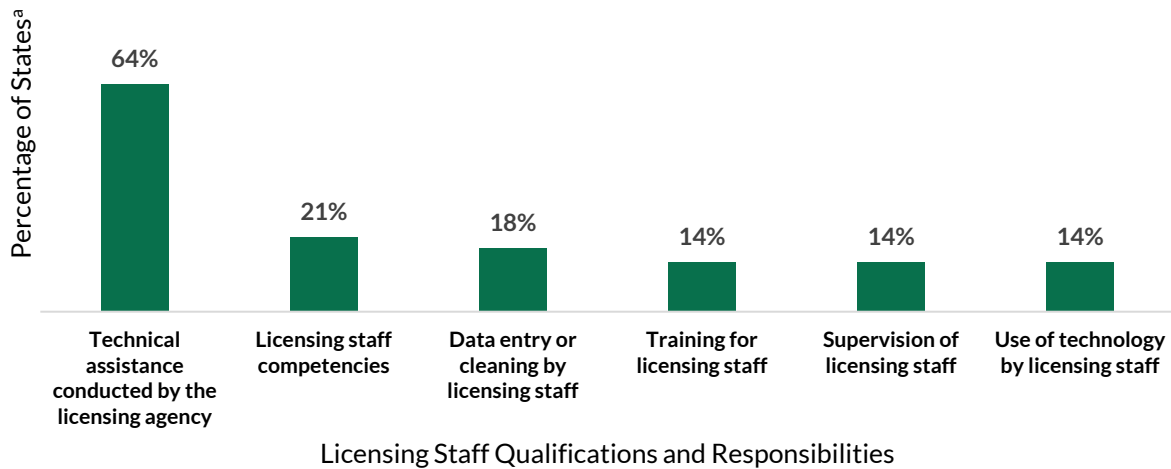


Around one fifth of the states for which we reviewed documents (18% of 28 states) had at least one document that addressed outreach to potential providers (e.g., communicating with providers interested in becoming licensed, providing a licensing overview/orientation session for interested providers).

Licensing staff qualifications and responsibilities

States' licensing guidance documents addressed licensing staff qualifications and responsibilities in a variety of ways (see Figure 7). For example, nearly two-thirds of the states for which we reviewed documents (64% of 28 states) had at least one document that covered technical assistance conducted by the licensing staff. In contrast, fewer states had at least one document that covered training for licensing staff, supervision of licensing staff, and use of technology by licensing staff (14% of 28 states for each topic).

Figure 7. Topics Related to Licensing Staff Qualifications and Responsibilities Addressed in States' Licensing Guidance Documents



Source: TRLECE 2023 Review of Licensing Guidance Documents

^a Percentage of states refers to the percentage of states for which we found a licensing guidance document (28), not the total number of states.

Other topics

Licensing guidance documents also addressed other topics related to licensing procedures, as described below in Table 1.

Table 1. Other Topics Related to Licensing Procedures Addressed in Licensing Guidance Documents

Topic	Description
Incidents (93%; 26 of 28 states)	<p>Nearly all states for which we found licensing guidance documents had at least one document that addressed incidents. Licensing guidance documents addressed a variety of topics related to incidents, such as:</p> <ul style="list-style-type: none"> • Incident or injury reporting, • Child abuse and neglect reporting, • Training about reporting incidents, • Incident types (e.g., injury, death, fires, animal bites), • Incident investigations, and • Emergency suspensions following an incident.
Enforcement (89%; 25 of 28 states)	<p>Most of the states for which we found licensing guidance documents had at least one document that addressed enforcement. Enforcement-related topics found in licensing guidance documents included:</p> <ul style="list-style-type: none"> • Legal actions that could be taken against CCEE facilities with serious health or safety violations, • Ways licensing agencies determine which enforcement action to take, • Enforcement reports, • Suspensions, • License revocations, • Penalties or fines, and • Plans of correction for violations.
Applications (89%; 25 of 28 states)	<p>Most states for which we found licensing guidance documents had at least one document that addressed applications for CCEE programs to become licensed. For example, licensing guidance documents included information on:</p> <ul style="list-style-type: none"> • The overall application or license renewal process, • CCEE programs submitting documents as part of their application, • CCEE programs participating in trainings or an orientation, • An on-site visit or inspection for CCEE programs, • Background checks for CCEE program staff, and • Approval of CCEE programs from local fire and health departments.
Complaints (79%; 22 of 28 states)	<p>Around three-fourths of the states for which we found licensing guidance documents had at least one document that addressed complaints. These documents included information such as:</p> <ul style="list-style-type: none"> • Complaint investigations, • How complaints are filed (e.g., over the phone or via email), • Who can file complaints (e.g., parents, neighbors), and • Types of complaints.
Appeal process (75%; 21 of 28 states)	<p>Three-fourths of the states for which we found licensing guidance documents had at least one document that addressed an appeal process. For example, these documents discussed:</p> <ul style="list-style-type: none"> • Who has the right to appeal decisions made by the licensing agency, • Which state government department conducts appeal hearings, and • If programs can operate while an appeal is pending.
Waiver requests (61%; 17 of 28 states)	<p>More than half of the states for which we found licensing guidance documents had at least one document that addressed waiver requests, which are requests by a provider to not follow a rule, regulation, or procedure. For example, these documents addressed:</p> <ul style="list-style-type: none"> • How CCEE providers can submit waiver requests, • Types of waivers that can be requested, and • How licensing staff will check for waivers before conducting an inspection.

Conclusions

Licensing guidance documents can help licensing staff, CCEE providers, and the public understand CCEE licensing. They can also serve as a resource to help improve consistency of practices among licensing staff. Thus, we wanted to better understand what is included in these documents to inform the licensing field and future research. To do this, we identified and reviewed 91 publicly available CCEE licensing guidance documents from a little over half of the states (28 out of 50 states plus Washington, DC). We hope that this description of what is currently included in publicly available licensing guidance documents is helpful to those interested in developing or improving licensing guidance documents.

Our review of licensing guidance documents suggests that they help explain both the *what* (i.e., regulations) and the *how* (i.e., procedures) of licensing to various audiences. Sixty percent of the licensing guidance documents we reviewed focused on both licensing regulations and licensing procedures. Most of the documents we reviewed identified the primary audience as either CCEE providers, licensing staff, or both. Around one third of the documents included a rationale for regulations. It's possible that understanding the reason behind a regulation may help providers maintain compliance and help licensing staff monitor compliance more consistently.

Some state licensing agencies may use licensing guidance documents as part of supporting CCEE providers. Our review of licensing guidance documents found that nearly half (43%) of the 28 states had at least one document that offered recommendations or best practices beyond licensing regulations.

We hope that this review also supports future research, and we offer a few ideas for new studies:

- Although this review helps us understand what is included in these documents, it does not tell us how they are used. Licensing staff and CCEE providers must first be aware of these documents before they can use them. Future research could examine awareness of these documents among licensing staff and providers.
- Future studies could also explore how licensing staff and CCEE providers use these documents. When and how often do they review them? Are there particular events (e.g., before an inspection, training new staff) during which they are more likely to review them?
- Licensing guidance documents are one strategy for improving consistency among licensing staff. Future research could identify and examine the collection of strategies state and territory licensing agencies use to support consistency in staff implementation of licensing practices (e.g., identifying violations, making decisions about enforcement actions, referring providers to other agencies for support).

Glossary of Terms

Appeal: The process by which a CCEE provider requests the review and reversal of a licensing enforcement action.

Child care and early education: Caregiving and educational services for children from birth to age 13. CCEE includes center- and home-based settings for infants, toddlers, preschool- and school-aged children. CCEE refers to services for a larger age group than early care and education (ECE), which consists of services provided only for young children (birth to age 5 who are not yet in kindergarten). ECE programs are included within the definition of CCEE.

Complaint: A concern or grievance about a CCEE provider that families or the public make to the licensing agency.

Enforcement: The actions that licensing agencies use to address licensing violations. These may include fines, probation, and revocation of licensure.

Incidents: An event that places a child or children at risk that the CCEE provider is required to report by law or regulation (e.g., child injuries, accidents involving children).

Inspection: A visit to assess if a CCEE provider is meeting licensing regulations.

Interpretive guidelines, guides, or guidance: Guides that help CCEE licensing staff understand the purpose of licensing requirements and how they should assess providers' compliance with the requirements; guides can also be used by CCEE providers to help better understand the licensing requirements and how they will be assessed (National Center on Child Care Quality Improvement, 2014).

Licensing agency: The agency responsible for regulating and licensing CCEE facilities. The term "licensing unit" may also be used.

Licensing authority: The legal basis for an entity to administer the licensing program. A licensing statute typically grants authority to a specific government agency.

Licensing guidance documents: Any public document that provides guidance, context, clarification, or information beyond the licensing regulations for more than one regulation, or any document that provides information about licensing processes or procedures.

Licensing procedures: Information about carrying out the functions of the licensing unit.

Licensing regulations: "Requirements that providers must meet to legally operate child care services in a state or locality, including registration requirements established under state, local, or Tribal law" (Child Care & Early Education Research Connections, n.d.). (Child Care & Early Education Research Connections uses this definition for "licensing or regulatory requirements.")

Severity level: A level assigned to licensing regulations to indicate the risk to children if violated. A higher severity level for a regulation suggests that a violation would pose a greater risk to children.

Waiver: Written permission provided by the licensing agency to allow a CCEE provider to be out of compliance with a specific licensing regulation, often for a limited period, and under the condition that children's health and safety is not compromised. The term "variance" may also be used.

References

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- National Center on Child Care Quality Improvement. (2014). *Interpretive guides for child care licensing regulations*. Office of Child Care, Administration for Children and Families, U.S. Department of Health and Human Services. https://childcareta.acf.hhs.gov/sites/default/files/interpretive_guidelines_for_child_care_licensing_regulations.pdf

Appendix A. Methods


Defining and searching for licensing guidance documents

We searched for licensing guidance documents from August 2022 to May 2023. Our team defined “licensing guidance” to inform our search. We initially adopted a broad interpretation of licensing guidance that yielded a wide range of documents—licensing handbooks, online licensing orientation modules for CCEE providers, one-page memos about a change in one licensing regulation, and more. Therefore, we realized we needed a more refined definition of licensing guidance.

Over the course of several discussions, our team narrowed our definition of licensing guidance to “any public document that provides guidance, context, clarification, or information beyond the licensing regulations for more than one regulation, or any document that provides information about licensing processes or procedures.”

Using this definition of licensing guidance, the team continued to search for publicly available licensing guidance documents. We used a combination of different internet search terms on Google (see Table 2) and states’ licensing websites to search for publicly available licensing guidance. To supplement our web-based search, our team also posted a Request for Information (RFI) on August 23, 2022 on the Office of Planning, Research, and Evaluation website. The RFI was also emailed to the Administration for Children and Families, Office of Child Care (OCC) who distributed it to Child Care and Development Fund administrators, state and territory government staff, and OCC staff. In addition, Child Trends shared it with contacts at national technical assistance centers. Four states responded to the RFI and shared licensing guidance documents for licensing staff who inspect CCEE programs and licensing guidance documents for providers to increase their understanding of licensing regulations.

Table 2. Search Terms Used in the Licensing Guidance Document Search

Search terms	
Child care	
State child care licensing website	
Interpretive guidance	
Licensing guidance	
Licensing guidance documents	
Licensing procedures	
Licensing policies	
Licensing protocols	
Family child care	
Home child care	
Child care center	
Child care licensing guidance	

Once we completed our search for licensing guidance documents and received responses to our RFI, we then reviewed each document to confirm that it fit within our definition of licensing guidance. From our original dataset of 161 documents from 38 states, we excluded documents that did not align with our definition of licensing guidance, and we ultimately included 91 licensing guidance documents from 28 states in our review.

Developing a codebook and coding licensing guidance documents

The team developed a document, called a codebook, that included the codes that could be applied to licensing guidance documents, definitions for each code, and guidance for coders about where in the licensing guidance documents to look for information that could be coded.³ To develop the codebook, each member of the coding team read a few licensing guidance documents and took note of common themes which appeared in the documents and that we could include in the codebook. The team met weekly to share ideas, draft an initial outline of the codebook, and refine the codebook and adjust codes as needed. Throughout the codebook development process, we reviewed 38% of the licensing guidance documents we ultimately coded.

The team shared the draft codebook with a subset of the TRLECE Technical Expert Panel—a group of licensing, CCEE, and research experts who provide guidance to the TRLECE project—to gather their feedback related to the accuracy, clarity, thoroughness, and usefulness of the proposed codes. The Office of Planning, Research, and Evaluation (OPRE) also reviewed the draft codebook. Using feedback from the TRLECE Technical Expert Panel and OPRE, the team finalized the codebook.

To begin the coding process, the project leader trained three staff on the coding process. The training included an overview of how to use Dedoose,⁴ the definitions of each code, and coding assignments for each team member. The project leader and one team member had prior experience with qualitative coding, so they first coded two documents and reached consensus (i.e., agreement) on the codes that should be applied to these documents. Then, the two other staff members coded both documents; they had at least 80% agreement with the codes applied by the more experienced coders and thus were deemed to be reliable and able to code documents independently.

To assess reliability (i.e., consistency in coding between team members) throughout our coding, the coding team double-coded six additional documents, in between independently coding other documents. The process for double coding included having two team members separately code one licensing guidance document, assess their reliability (which was 75% or higher for each double coded document), and then meet for an hour to reach consensus or agreement on the codes that should be applied if there were any discrepancies between their original codes. The pair would raise any questions to the larger team during a weekly meeting. The remaining documents were only coded by one coder, but the team met weekly to discuss any questions. After we coded all of the documents, the project leader and senior advisor reviewed the coded excerpts (i.e., sentences/paragraphs) for 25 of the 61 codes, which had more complex definitions, to confirm that the code should be applied; they adjusted applied codes as needed.

³ Licensing guidance documents included in this review ranged from 1-448 pages. To make our review more efficient, we used a combination of reviewing different sections of documents and using key word searches. For each document, we reviewed the table of contents, introductory section, and first ten regulations listed (if the document included these sections). We also conducted key word searches related to the codes to identify relevant information that could be coded if it met the definitions in our codebook. Although we believe that this approach to reviewing the documents was comprehensive, it was not exhaustive. Thus, it is possible that we missed some instances when a topic was covered in a document.

⁴ Dedoose is a cloud application for managing, analyzing, and presenting qualitative and mixed method research data.

Finally, we used the Dedoose analysis features to calculate the total number of licensing guidance documents to which each code was applied, as well as the number of states with at least one licensing guidance document with each code (see Appendix C). A summary of our analyses is in the findings section above.

Limitations

The team's search for licensing guidance documents was confined to publicly available documents and those sent to us through the RFI. There may be licensing guidance documents created by state licensing agencies that are not publicly available. The search did not include licensing guidance from every state because we could not find publicly available documents from each state. The search was further limited to documents that could be downloaded and analyzed using the Dedoose qualitative analysis software, so we excluded webpages, videos, and PowerPoint presentations.

Appendix B. List of Licensing Guidance Documents by State

Below is a list of the titles of the licensing guidance documents the team coded, organized by state. Documents with a circle (●) following the document title focused on licensing regulations. Documents with a square (□) following the document title focused on licensing procedures. Documents with both a circle and square (●□) following the document title focused on both licensing regulations and licensing procedures. Some documents may have been updated or may no longer be publicly available since the time of this analysis.

Hyperlinks to these documents are available in the [National Database of Child Care Licensing Regulations](#).

Alaska

- Child Care Licensing Policies and Procedures Manual□

Arizona

- Interpretation and Clarification of Child Care Licensing Rules in 9 A.A.C.5●□

California

- Manual of Policies and Procedures – Community Care Licensing Division, Child Care Center●□
- Reference Material for Annual Licensing Fees□
- Reference Material for Application – Child Care Program□
- Reference Material for Background Check Procedures□
- Reference Material for Complaints□
- Reference Material for Documentation□
- Reference Material for Enforcement Actions□
- Reference Material for Facility Evaluation/Visit□
- Reference Material for Office Functions□

Colorado

- Administrative Guide for General Rules Regulating Child Care Facilities●□
- Administrative Guide for Rules Regulating Child Care Centers●□
- Administrative Guide for Rules Regulating Family Child Care Homes●□

Connecticut

- Provider’s Guide to the Child Care/Youth Camp Investigation and Enforcement Process□

Florida

- Child Care Facility Handbook●□
- Family Day Care Home and Large Family Child Care Home Handbook●□

Georgia

- Annual Regulatory Inspection Policy: Licensing Study and Monitoring Visits●□
- Child Care Learning Centers Rules & Regulations Indicator Manual●□
- Child Care Services – Staff Training and Professional Development Policy□
- Complaint and Investigation Policy□
- Family Child Care Learning Homes Rules & Regulations Indicator Manual●□
- Initial License Policy and Procedures□

- Licensing Enforcement & Compliance: An Integrated Approach – Overview of DECAL’s Revised System^{•□}

Iowa

- Care Centers and Preschools Licensing Standards and Procedures^{•□}
- Child Care Centers^{•□}
- Child Development Home Registration^{•□}
- Child Development Home Registration Guidelines^{•□}

Illinois

- Summary of Licensing Standards for Day Care Centers[□]
- Summary of Licensing Standards for Day Care Homes[□]
- Summary of Licensing Standards for Group Day Care Homes[□]

Indiana

- Interpretative Guide for Child Care Center Rules^{•□}
- Interpretive Guide for Child Care Home Rules^{•□}

Kansas

- Child Care Complaint Investigations: What Child Care Providers Need to Know[□]
- Child Care Initial & Annual Surveys: What Child Care Providers Need to Know[□]

Kentucky

- Standards of Practice Child-Care Center Licensure^{•□}
- Standards of Practice Family Child Care Homes^{•□}

Maryland

- Child Care Center Licensing Manual^{•□}
- Family Child Care Registration Manual^{•□}
- Issuing Letters of Compliance^{•□}
- Large Family Child Care Homes (Manual)^{•□}
- Protocol for Inspections at Child Care Programs[□]

Michigan

- Resource Guide to Child Care Licensure in Michigan[□]
- Technical Assistance and Consultation Manual for Child Care Centers^{•□}
- Technical Assistance and Consultation Manual for Family and Group Child Care Homes^{•□}

Minnesota

- A Guidance Document for Licensed Child Care Centers: Changes from the 2017 Legislative Session and What It Means for You^{•□}
- Guide to Becoming a Licensed Family Child Care Provider[□]
- Monitoring Licensed Child Care[□]

Montana

- Interpretive Guidelines Child Care Center^{•□}
- Interpretive Guidelines Family and Group Child Care Facilities^{•□}

Ohio

- What should I expect during a licensing inspection at my child care center?[□]
- What should I expect during a licensing inspection at my family child care home?[□]

Oklahoma

- Understanding the Licensing Process Rights and Responsibilities•□

Oregon

- Background Check Process and Timeline□
- Basic Requirements to Submit a Certified Family Child Care Home License Application□
- Criteria for Meeting 10-Hour Training Requirement•□
- Fire Safety Inspections for Child Care Facilities□
- Guide to Certified Family Child Care Home□
- Guide to Licensed Certified Child Care Center□
- Guide to Registered Family Child Care Home□
- Office of Child Care Complaint Policy and Procedures□
- Office of Child Care Findings Review Procedures□
- Rule Guidance: Child-Safety Lock Requirements•
- Rule Guidance: Fire Safety and Fire Drills•□
- Rule Guidance: Hot Tub, Pool, or Pond Barrier•□
- Rule Guidance: Naptime Ratios•□
- Rule Guidance: Staff Records for Certified Family Child Care•□
- Rule Guidance: Storage of Electronic Records•□

Rhode Island

- Child Care Program Regulations for Licensure•□

South Dakota

- Guide to Child Care Licensing Rules and Resources for Licensed Programs•□

Texas

- Child Care Regulation Handbook•□
- Minimum Standards for Child-Care Centers•□
- Minimum Standards for Licensed and Registered Child-Care Homes•□
- Minimum Standards for School-Age and Before or After-School Programs•□

Utah

- Rule Interpretation Manual: Child Care Center Introduction•□
- Rule Interpretation Manual: Commercial Preschool Programs Introduction•□
- Rule Interpretation Manual: Hourly Center Introduction•□
- Rule Interpretation Manual: Licensed Family Introduction•□
- Rule Interpretation Manual: Out of School Time Introduction•□

Virginia

- General Procedures and Information for Licensure•□
- Protocol for Inspections at Licensed Child Day Programs□

Vermont

- Afterschool Child Care Programs Guidance Manual•□
- Center Based Child Care & Preschool Programs Guidance Manual•□
- Family Child Care Homes Guidance Manual•□
- What to Expect from a Child Care Licensing Site Visit□

Washington

- Child Care and Early Learning Licensing Guidebook•□

Wisconsin

- Licensing Rules for Day Camps for Children with Commentary•□
- Licensing Rules for Family Child Care Centers with Commentary•□
- Licensing Rules for Group Child Care Centers and Child Care Programs Established or Contracted for by School Boards with Commentary•□

West Virginia

- Child Care Provider Regulation Policies and Procedures Manual□
- Supplement to Child Care Centers Licensing•□

Appendix C. Percentages of Codes Applied by Documents and by States

Below, Table 3 includes the codes we applied to licensing guidance documents. The first column includes codes and sub-codes. The second column is the percentage of **documents** that had each code applied. The third column is the percentage of **states** with at least one licensing guidance document that had each code applied.

Table 3. Percentage of Codes Applied by Documents and by States

Codes and Sub Codes	% of Documents with Code Applied (N=91)	% of States with At Least One Document with Code Applied (N=28)
General Codes		
Audience	80%	86%
Primary audience specified	80%	86%
Licensing staff	21%	32%
Providers	35%	36%
Both licensing staff and providers	19%	21%
Families	9%	7%
Other	10%	21%
Unclear	20%	14%
Secondary audience	11%	21%
Licensing staff	0%	0%
Providers	9%	14%
Families	1%	4%
Other	5%	11%
Setting type specified (the options below are not mutually exclusive, except for “unclear”)	100%	100%
Centers specified	51%	89%
Family child care programs	52%	82%
Both centers and family child care programs	23%	50%
School age	10%	29%
Broader than child care and early education	8%	7%
Other (e.g., day camps)	11%	29%
Unclear	12%	21%
Document focus	100%	100%
Regulations only	1%	0%
Procedures only	38%	18%
Regulations and procedures	60%	82%
Provides document purpose	55%	82%
Includes an introduction	76%	96%
Includes resources	30%	43%

Codes and Sub Codes	% of Documents with Code Applied (N=91)	% of States with At Least One Document with Code Applied (N=28)
Includes definitions	48%	61%
Licensing authority	43%	57%
Includes information on how to read the document	40%	57%
Licensing Regulations Codes		
Includes regulation text in document	37%	61%
Provides a rationale for regulations	36%	46%
Includes severity level for regulations	16%	21%
Includes best practices	30%	43%
Includes other departments' regulations	13%	21%
Includes history of regulations	4%	14%
Includes other information about regulations	45%	54%
Licensing Procedures Codes		
Consumer education	32%	43%
Outreach/education to potential licensed providers	12%	18%
Other information about communication from the licensing agency	23%	36%
Application process	64%	89%
Inspections	87%	93%
Pre-license inspection	38%	71%
Annual/routine inspection	64%	86%
Complaint inspection	36%	50%
Inspection type not specified	19%	29%
Coordination with partners	55%	79%
Complaints	59%	79%
Incidents	70%	93%
Enforcement	75%	89%
Appeals process	53%	75%
Waiver requests	44%	61%
Training and professional development	81%	100%
For licensing staff	10%	14%
For licensed providers	79%	100%
Technical assistance	47%	64%
Licensing staff competencies	13%	21%
Use of technology by licensing staff	4%	14%
Data entry/cleaning by licensing staff	9%	18%
Supervision of licensing staff	4%	14%