



# Leaving Children to Chance

NACCRRRA's Ranking of State Standards  
and Oversight of Small Family Child Care Homes  
2010 Update





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## **About NACCRRRA**

NACCRRRA, the National Association of Child Care Resource & Referral Agencies, is our nation's leading voice for child care. We work with more than 700 state and local Child Care Resource and Referral agencies nationwide. These agencies help ensure that families in 99 percent of all populated ZIP codes in the United States have access to high-quality, affordable child care. To achieve our mission, we lead projects that increase the quality and availability of child care professionals, undertake research, and advocate child care policies that positively impact the lives of children and families. To learn more about NACCRRRA and how you can join us in ensuring access to high-quality child care for all families, visit us at [www.naccrra.org](http://www.naccrra.org).



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# Executive Summary

*“Leaving Children to Chance: NACCRRA’s Ranking of State Standards and Oversight of Small Family Child Care Homes,”* reviews and ranks state regulations for small family child care homes, updating our 2008 report. A small family child care home is a child care setting in which up to six children, including those of the provider under age six, are cared for in the home of the provider for compensation.

Each week, over 11 million children under age 5 are in some type of child care setting. Of these children, more than 1.7 million are in family child care arrangements. On average, children of working mothers spend about 36 hours each week in child care.

With 14 percent of the children of working mothers in small family child care homes, NACCRRA reviewed the states’ regulations to gain a better understanding of state standards and monitoring of settings in which these children spend so much time. For this report NACCRRA used the lowest level of licensing permitted in a state.

Unfortunately, what NACCRRA found was that most states are leaving children to chance when they are cared for in a small family child care home.

NACCRRA selected 14 key elements essential for quality small family child care homes. States were assessed, assigned points based on state policies, and ranked based on their performance. The maximum number of points a state could receive is 140. Of the 35 states that scored points, the average score was 63, which was 45 percent of the possible points (using a standard grading scale, this would be the equivalent of an F).

## **Overall Condition of Small Family Child Care Homes**

Seventeen states scored zero in this report. They either do not license small family child care homes, do not conduct an inspection prior to issuing a license, or allow more than six children in the home before applying state regulations. This means that the children in these states are in a child care setting in which the safety of the home is unknown. Some of these children are receiving state and federal subsidies to help parents pay for child care, but the government does not know the quality of the environment (let alone the health and safety of the environment) for which it is paying.

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. Some states only begin counting children when a certain number of unrelated families are cared for in the home. The actual number of children in the home is important because it affects the safety of the children and impacts the ability of the provider to interact effectively with the children. NACCRRA’s position is that all paid providers caring for one or more unrelated children on a regular basis should be subject to state standards and oversight (i.e., have a license).

NACCRRA chose 10 different health and safety standards essential for a quality family child care home. These standards were selected based on a review of the *13 Indicators of Quality Child Care: Research Update* by Dr. Richard Fiene for the U.S. Department of Health and Human Services (Fiene, 2002). Yet, only nine

states met all of the 10 requirements under *both* the health and safety standards.

Overall, NACCRRRA found that state standards and monitoring efforts remain weak and that they have not improved much over the last two years. Although some progress has been made in a few states, not enough has changed overall to suggest that the condition of care in family child care homes is much better for our children.

The federal government requires states to describe their standards and procedures

to monitor these standards in their state plans. These plans are submitted every two years to the Child Care Bureau within the Department of Health and Human Services. But, the Child Care Bureau does not have the authority to penalize states for deficiencies in those state plans (either for content or compliance shortfalls). With few minimum federal guidelines, state standards are weak and oversight is weaker. The stark reality is that children are left to chance.

## Major Highlights

### The Top 10 Highest Scoring States

- Delaware, Oklahoma, Washington, Massachusetts, the Department of Defense, Alabama, Maryland, the District of Columbia, Colorado and Florida ranked among the top 10 highest scoring states for small family child care home standards and oversight.

### States Scoring Zero

- Nine states (*Idaho, Indiana, Iowa, Louisiana, Mississippi, New Jersey, Ohio, South Dakota and Virginia*) received zero points because either they do not license small family child care homes or permit more than six children (counting the providers’ own children under school-age or other related children) to be present without regulation.
- Eight additional states (*Georgia, Kansas, Michigan, Montana, Pennsylvania, South Carolina, Texas and West Virginia*) received no points because they do not require family child care homes to be inspected or visited prior to being licensed.

Top 10 States		
State	Final Score	Rank
Delaware	110	1
Oklahoma	108	2
Washington	103	3
Massachusetts	101	4
Department of Defense	96	5
Alabama	93	6
Maryland	88	7
District of Columbia	86	8
Colorado	78	9
Florida	76	10
<b>*Total Maximum Points: 140</b>		

### Weak State Inspection Standards

- Only two states (*New Mexico and Tennessee*) received the maximum points for monitoring family child care homes. In contrast, Montana requires visits only once every 5 years and Michigan once every 10 years.
- About half the states do not conduct annual inspections.

The 3-month-old son of Le'Vaughn Johnson, of **DeKalb County, Georgia**, died in the care of a provider who had previously been charged with Child Protective Services violations. But, tragically, no one checked her record.

### **Incomplete Background Checks**

- While most states are conducting background checks, only 27 states use fingerprints to conduct checks. A background check based on name only is of limited value.
- Only 17 states specifically require a check of the sex offender registry.
- Fifteen states do not require a check of the state child abuse registry.

### **Weak Minimum Education Requirements**

- Twenty-six states have no minimum education requirement for family child care home providers. Only 17 states specify a minimum of a Graduate Equivalency Degree (GED) or a high school diploma.

### **Weak Training Requirements**

- Eleven states do not require any initial training for individuals to become licensed as small family child care home providers.
- In addition to the states that do not regulate small family child care homes, three states (*Connecticut, Kansas and Texas*) do not require any annual training of providers.

### **Weak Early Learning Standards**

- Only 14 states require providers to read to children. Fewer than half (20) of the states restrict the use of media such as television and videos in small family child care homes.

Among states with no requirements related to safe sleeping practices to prevent SIDs, are Hawaii, Indiana and Missouri.

- The 4-month-old nephew of Jowett Chew-Marumoto, of **Hilo, Hawaii**, was the second infant to die as a result of sleep related positioning - tragically, with the same provider.
- The 3-month-old daughter of Todd and Natalie Wolfe, of **Indianapolis, Indiana**, died when left unattended for longer than two hours in an adult bed on her stomach.
- The 4-month-old son of Steve and Shelly Blecha, of **Imperial, Missouri**, died in an unlicensed child care setting when their baby was put to sleep on his stomach.

### **Weak Basic Health and Safety Standards**

- Only nine states (*Delaware, Florida, Illinois, Kentucky, Michigan, Oklahoma, Washington, West Virginia and Wisconsin*) met each of the 10 requirements under both health and safety.
- Despite tragedies where infants die from unsafe sleeping practices, only 30 states have requirements related to safe sleeping.



## State Small Family Child Care Home Rankings

Delaware, Oklahoma, Washington, Massachusetts, the Department of Defense (DoD), Alabama, Maryland, the District of Columbia, Colorado and Florida ranked among the top 10 highest scoring states for small family child care home standards and oversight. *This does not mean that they scored high, but rather, that they scored highest among all states. For example, Florida was 10th with a score of 76, but that translates to 54 percent, a failing grade in any classroom.*

As shown in the table below, nine states (*Idaho, Indiana, Iowa, Louisiana, Mississippi, New Jersey, Ohio, South Dakota and Virginia*)

received zero points because either they do not license small family child care homes or their adjusted threshold for requiring licensing is seven children or higher (we added one child if the state does not count the provider's own children under the age of 6 in determining when licensing begins, and we added one child if the state exempts one family before licensing begins). Eight additional states (*Georgia, Kansas, Michigan, Montana, Pennsylvania, South Carolina, Texas and West Virginia*) received no points because they do not require family child care homes to be inspected or visited prior to being licensed.

The following table shows the top 10 states and the 17 states that scored zero for the combined regulation and oversight scores:

Ranking of Small Family Child Care Homes					
Regulation and Oversight Scores					
Top 10 States			States Scoring Zero		
State	Final Score*	Rank	State	Final Score*	Rank
Delaware	110	1	Michigan**	0 (98)	36
Oklahoma	108	2	South Carolina**	0 (70)	37
Washington	103	3	Georgia**	0 (65)	38
Massachusetts	101	4	Montana**	0 (60)	39
Department of Defense	96	5	West Virginia**	0 (54)	40
Alabama	93	6	Kansas**	0 (47)	41
Maryland	88	7	Pennsylvania**	0 (35)	42
District of Columbia	86	8	Texas**	0 (17)	43
Colorado	78	9	Idaho^	0	52
Florida	76	10	Indiana^	0	52
<b>Total Maximum Points: 140</b>			Iowa^	0	52
			Louisiana^	0	52
			Mississippi^	0	52
			Virginia^	0	52
			Ohio^	0	52
			South Dakota^	0	52
			New Jersey^	0	52
<p>Note: *Final scores reflect an adjustment based on the number of children paid providers could care for before being licensed.</p> <p>**States received a zero because they do not inspect or visit 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 after the 35th state in an order reflecting their total points. For example, Michigan is ranked #36 because of the states receiving zero, Michigan would have received the highest total of points (98). South Carolina is ranked #37 because of the remaining states receiving zero, South Carolina would have received the next highest total of points (70).</p> <p>^States either do not license family child care homes or the number of children the provider (including the provider's children) could care for pay is seven or above.</p>					

## Federal and State Accountability

While states have a great deal of flexibility to set their own standards, the intent of the law is clear. States are required to have policies in place to protect the health and safety of children and are required to enforce those standards. However, states are given broad authority to exempt care from regulation with no need to justify why the exemption exists.

Both a description of the standards and the procedures the states will use to monitor compliance are required to be certified in the state child care plan of each state. In our review of state regulations and ranking of the states, it is clear that state standards are weak and that oversight is weaker.

## Summary and Recommendations

Given that \$12 billion in government money is spent on child care subsidies, and about one-third of children receiving subsidies are in a family child care home setting, federal and state governments should know whether or not children are in safe settings that promote their healthy development. Currently, the quality of care and the condition of the settings these children are in are largely unknown.

Among NACCRRRA's key recommendations:

1. Require state regulation for family child care homes in which paid providers regularly care for one or more unrelated children (particularly if care is paid for with public funds)
2. Require all paid providers to undergo a complete background check based on fingerprints
3. Require an inspection or site visit prior to a state issuing a license and require regular unannounced inspections throughout the year

4. Require 40 or more hours of initial training including training in CPR, first aid, child development, child abuse prevention, learning activities, health and safety, child behavior/guidance and business practices
5. Increase the required annual training to at least 24 hours
6. Require states to meet each of the 10 standards under both health and safety
7. Grant the Child Care Bureau the authority to penalize states for deficiencies in child care plans for content or oversight and to withhold funds from states with insufficient policies
8. Require states to justify any categories of providers who are exempt from regulation and,
9. Require states to post inspection results on the internet.

For a complete list of NACCRRRA's recommendations, see the recommendations section of this report.

We hope this report will encourage states to examine their regulations for small family child care homes and revise them where needed, which includes many areas for most states. Children should be safe in child care. And, child care should promote their healthy development and well-being.

There is much to be done to protect children. The quality of children's care (whether their parents are receiving a government subsidy or not) should not be left to chance. Working parents and the next generation depend on it.

# Introduction

The National Association of Child Care Resource & Referral Agencies (NACCRRA) and individual state and local Child Care Resource and Referral (CCR&R) agencies work within every state to help ensure that families have access to affordable, high-quality child care. CCR&Rs are uniquely positioned within communities to not only work with parents, but also with child care providers and state and local governments to strengthen the quality of care. Because state child care standards and oversight vary greatly from state to state, the quality of child care between states also varies greatly.

About \$12 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. Since the nature of these funds is a block grant, states have wide discretion about how to spend this money. CCDBG is the primary federal program allocating funds for child care, but health and safety requirements in the law are subject to broad interpretation. As a result, each state crafts its own standards and oversight policies.

While states have a great deal of flexibility to set their own standards, the intent of the law is clear. States are required to have policies in place to protect the health and safety of children and are required to enforce those standards. Both a description of the standards and the procedures the states will use to monitor compliance are required to be certified in the state child care plan of each state. States are allowed to exempt child care from regulation and oversight

without having to clearly say why. In our review of state regulations and ranking of the states, it is clear that state standards are weak and that oversight standards are even weaker.

More than 1.7 million children under age 6 spend time every week in family child care homes. The intent of this report is to take an in-depth look at what individual states are doing with regard to standards and oversight for small family child care homes. NACCRRA scored every state, the District of Columbia and the Department of Defense on basic regulations.

This report marks the fourth year that NACCRRA has undertaken a review of state child care standards and oversight. In 2007, NACCRRA published *We Can Do Better: NACCRRA's Ranking of State Child Care Center Standards and Oversight*. In 2009, we updated this study. But, center care is only part of the picture. In 2008, NACCRRA took the second piece of the child care picture, small family child care homes, and examined their standards and oversight. With the release of this report, we are updating our 2008 study of small family child care homes.

The numerous news articles generated by these reports heightened attention on the need to improve child care standards and oversight in this country. *Our conclusion after four years of studying child care regulations and oversight is that we still cannot say with confidence that America's children are protected by child care center and family child care home licensing regulations and oversight systems. Nor can we say that regulations are in place to help young children learn and be ready for school.*

*The main lessons – we can do better and we are leaving children to chance – point to our continued need to address the condition of child care throughout the United States. Children are our most vulnerable population. The child care settings in which they spend so much time need to be safe and promote their healthy development.*

### **Child Care is a Way of Life for Millions of American Families**

About 14 percent of the children of working mothers are in family child care homes (U.S. Census Bureau, 2008). According to parent focus groups undertaken by NACCRRA, many parents choose family child care homes because they offer a more personal setting, a more comfortable environment “like home,” or because family child care tends to be less expensive in many communities and may be the most affordable option (NACCRRA, 2006). However, what we learned from the focus groups and also NACCRRA’s national parent polls is that the number one concern among parents about child care is the quality of the setting in which their children receive care. Cost was the second largest concern (NACCRRA, 2009a). Parents logically assume that licensed family child care homes are inspected and child care providers have background checks, but the reality is that standards vary greatly by state and a license by itself means very little.

Parents are and should be concerned about the quality of child care. Young children are particularly vulnerable to illness and injury and their health and safety must be protected. In addition, brain research has helped us understand that the early years of life are critical in children’s social, emotional, physical and cognitive development. There is increased recognition that the earliest years before mandatory school attendance form the foundation for school readiness and later academic achievement. Quality settings help ensure that children start school ready to succeed. In small family child care homes, usually only one adult is present; the quality of children’s

care is totally dependent on what this provider knows and chooses to do on a daily basis.

Parents keep their fingers crossed about quality and struggle to afford the cost of child care, which according to NACCRRA’s most recent child care price report ranges from \$3,582 to \$10,324 annually for an infant in a family child care home and from \$3,380 to \$9,805 annually for a 4-year-old in a family child care home (NACCRRA, 2009a). Parents and policymakers should know the condition of child care in America – both in child care centers and in family child care homes. This report looks at state regulations for small family child care homes – an honest and realistic look at what basic state regulations are and what the research shows is needed for quality standards.

### **State Regulation of Small Family Child Care Homes Varies Greatly**

States use different approaches for regulating family child care homes including licensing, certification, registration, self-certification, voluntary licensing, voluntary certification, voluntary registration and voluntary self certification. Some states combine approaches. In some cases, the process is called by one name but is defined differently in the regulation itself. In some states, the type of regulation required is linked to how many children are in care, how many different families are served or other factors. For the definitions of terms used in the varying state approaches as well as more detailed information about state processes, see Appendix B.

NACCRRA reviewed the threshold for licensing because the number of children allowed in family child care homes is important for health, safety and provider interaction. NACCRRA also reviewed the age mix of the children allowed in care because infants and toddlers have different needs compared to older children. Group size limitations are directly related to the ages of children allowed – with smaller group sizes recommended for homes with infants and toddlers.

Most state regulations for small family child care homes address basic health and safety issues; however, since inspection of the homes is minimal in many states, there is little assurance that providers follow the requirements. Most states have little in the way of initial training requirements before a provider is allowed to care for children in her home. State requirements on background checks vary widely, with the majority of states not conducting a complete background check (check of state and federal criminal history records using fingerprints, the sex offender registry, the child abuse registry and a check of juvenile records for homes in which a teenager resides).

### **Accountability for Federal Funding is Minimal**

The primary source of federal funding for child care is the Child Care and Development Block Grant (CCDBG), which allocates funds to the states for child care and related purposes with very few rules or restrictions related to regulations or oversight. To receive funds from CCDBG, states must have policies in place “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 (U.S. Department of Health and Human Services, 1996)

States must submit a biennial plan to the Child Care Bureau within the U.S. Department of Health and Human Services as part of the process of applying for CCDBG funds. Under the law, states are required to provide a detailed description of their licensing standards including how such standards are effectively enforced. In particular, states are required to certify procedures are in place to ensure that child care providers are in compliance.

While the CCDBG law is broad, and states have a great deal of flexibility to set their own standards, the intent of the law is clear. *States are required to have policies in place to protect the health and safety of children in child care and are required to enforce those standards.*

Unfortunately, current law has no consequence for noncompliance with a state plan or for the submission of a weak state plan. In view of the performance of the states ranked in this report, most states are not complying with the intent of the CCDBG law, which has rendered the child care state plans of dubious value.

According to the latest Child Care Bureau data, about one-third (34 percent) of children receiving CCDBG subsidies are in a family child care home setting and the percent is considerably higher in some states (U.S. Dept of Health and Human Services, Child Care Bureau, 2009).

### **The Focus of This Report**

In order to bring attention to the status of small family child care home quality, NACCRRRA ranked the 50 states, the District of Columbia and the U.S. Department of Defense (DoD) on their current small family child care home regulations and oversight systems. The 50 states, the District of Columbia and DoD are hereafter referred to as “the states.” NACCRRRA included DoD in the scoring because it has its own set of licensing standards and oversight.

The information used to score the states was obtained by reviewing each state’s family child care regulations and having the results reviewed by one or more individuals from each state’s CCR&R system. In several states, the resource and referral staff either consulted with state licensing personnel or had the information checked by licensing staff. NACCRRRA recognizes that the rankings are only as current as the date the information was supplied (most in February 2010).

Based on actual regulations that states have in place, NACCRRRA scored the states on several key components of their licensing standards

and oversight system, including health and safety policies and other critical features of a quality child care setting. The benchmarks used for scoring were developed based on the available research in the field, including a review of the *13 Indicators of Quality Child Care: Research Update* by Dr. Richard Fiene for the U.S. Department of Health and Human

Services (Fiene, 2002). See Appendix A for a comprehensive literature review.

For the most part, our research in small family child care home policies found that most states do little to protect children when they are in this care. We were disappointed to see how low the bar is set for the quality of care that so many children under age 6 receive.



There are two success stories we want to highlight – Delaware and Idaho. Both of these states made significant progress in improving standards and oversight of child care.

Delaware	Idaho
<p>Until 2007, child care regulations in Delaware were among the oldest in the nation. In NACCRRRA's 2008 <i>Leaving Children to Chance</i> report, Delaware scored zero because the state did not require inspections before issuing a license.</p>	<p>Idaho scored zero in NACCRRRA's 2008 <i>Leaving Children to Chance</i> report, because the state did not license small family child care homes.</p>
<p>Since 2009, new providers in Delaware must have a high school diploma or GED. The state strengthened its requirements for learning activities and specific play materials and also improved requirements with regard to health and safety. In 2010, Delaware is the highest scoring state.</p>	<p>In May of 2009, Governor Otter signed into law a bill that for the first time provides statewide regulation of family child care. The measure requires licensing for all providers paid to care for seven or more children, requires a criminal history check of providers caring for four or more children, and includes other changes to promote child safety.</p>

In the case of Delaware, it is great news to see a state move from zero to the top. In the case of Idaho, NACCRRRA recognizes the important milestones reached with the newly enacted legislation and how the measure will help improve the quality of child care. However, with state regulation beginning at seven children, Idaho again receives a zero in our report since the threshold NACCRRRA uses is six children. Nevertheless, Idaho's action is significant, and child care in the state will improve for many families.



Meeting each of NACCRRRA's benchmarks would yield a perfect score of 140. But no state received a perfect score. Only four states, Delaware, Oklahoma, Washington and Massachusetts received 70 percent or higher of the possible points (70 percent representing the threshold in many classrooms necessary for a passing grade). Of the states that scored points, the average score was 63, which means 45 percent of the possible points.

There are only 13 states that begin regulating family child care when one unrelated child is cared for in the home. Seventeen states scored zero. They either do not license small family child care homes, do not conduct an inspection prior to issuing a license, or allow more than six children in the home before applying state regulations.

How are we doing with regard to standards and oversight of small family child care homes in America? We are leaving a great deal to chance.

The next section describes the benchmarks NACCRRRA used in more detail. As the report reveals, most states fall far short of meeting these benchmarks.

<b>Thirteen States Regulate Paid Providers As Soon As they Care for One Unrelated Child</b>
Alabama
Connecticut
Delaware
Department of Defense
District of Columbia
Kansas
Maryland
Massachusetts
Michigan
Oklahoma
South Carolina
Texas
Washington