

Child Care Update: Background

This study was done by the League of Women Voters Child Care Committee members Beth Kariel and Kathryn Dillon. Beth has two Montessori teaching certifications and a Masters of Social Work. She has worked in child care as well as social work. Kathryn works as a registered nurse and has also been a Court Appointed Special Advocate (CASA) volunteer.

The work for this study was done over approximately a two year period, from September 2017 to September 2019. Beth and Kathryn put in a formal proposal for the study at the League's Program Planning Meeting on February 19, 2019 and it was adopted at the Annual Meeting on May 9, 2019.

They followed the case of one local licensed child care center from the time of an incident there to the center receiving subsequent violations, an intermediate sanction, a provisional license and then license renewal. They also researched other local licensed centers that have had numerous violations and sanctions.

They visited a variety of local child care centers and learned about the types of care that are available in this region. They spoke with child care owners, directors, teachers, assistants and parents.

They reviewed the department of social services website, reading licensing manuals, child protective services manuals, centers' listed violations, etc. They also obtained information from child care licensing staff and child protective services staff, through telephone conversations, in person interviews, emails and Freedom of Information Act (FOIA) requests. They also attended a "Town Hall" about child care licensing.

They read articles, books and news reports on topics related to child care as well as the role of government in society.

They reviewed other states' child care standards/regulations and spoke with several people who had experience with child care in other states.

They had discussions with child care professionals, several lawyers, a policy professor, a legislator and the staff of another legislator.

They researched organizations that are working to improve child care and learned more in depth about "Virginia Quality", "Child Care Aware", and the "Virginia Association for the Education of Young Children" (VAAEYC).

During the 2019 General Assembly, they followed two bills, one which passed and saved Virginia Cooperative Preschools and one which did not pass and had the goal of changing child care licensing from the department of social services to the department of education. They also attended a "Child Care Aware" event at the Capital.

Summary

Early childhood care and education is important because childhood is a time of development and growth, socially, emotionally and intellectually. There is a dire need for changes in policy regarding early childhood care and education in Virginia. The reestablishment of the Children's Cabinet in June of 2018, with Pamela Northam as its leader, is a sign of hope.

This study focused on the adequacy of child care licensing standards and enforcement, as well as education and training for child care workers. Government cannot and should not be completely responsible for the well being of children. It will take a community effort to ensure that children have developmentally appropriate care, that child care workers are given opportunities for professional development and fair wages and that working families have access to affordable, quality child care.

1. Are Standards for Child Care Licensing Thorough Enough?

Problems

- Current standards do not reflect current research on the needs of young children. For example, the caregiver per child ratio for two year olds is 1:8. This is not adequate. The “Caring for our Children Basics” standards recommend a 1:4 -1:6 ratio for 2 year olds.¹
- There are concerns that current standards are not written well, and are outdated. For example, standard 22 VAC 40-185-170, which addresses the physical and mental health of caregivers, is too vague. Standard 22 VAC 40-185-190 describes director qualifications but it doesn’t adequately describe the duties of a director. Standard 22 VAC 40-185-270 F 2 requires a telephone but doesn’t require that the phone be answered and it doesn’t reference cell phones.²
- Current standards put unrealistic expectations on caregivers. For example, there is no requirement to have an administrator on site who is not directly responsible for the care of young children. When a separate administrator is not on site, there is no extra set of hands to help if a child is sick or injured, to make phone calls or answer the phone, or to help communicate with parents who have immediate needs.
- Current Virginia licensing standards only meet six percent of the “Caring For Our Children Basics” standards, of the U.S. Department of Health and Human Services.³ Virginia’s low percentage of alignment with the “Caring For Our Children Basics” standards is a contributing factor to unsafe, low quality local child care.

Recommendations

- The goal should be that Virginia’s standards should be in line with the “Caring For Our Children Basics” standards. Priorities for improvements in standards need to be determined. For example, changing standards to require that there be an administrator on site who is not also directly responsible for the care of children, should be a top priority. Changes in caregiver/child ratios should also be a top priority.
- Specific recommendations for changing standards should be introduced to the regulatory change process. It is important to note that the process of changing the standards is not to write a Bill. The Virginia Department of Social Services Regulatory Process is a long process that must be undertaken in order to change regulations. It is a three stage regulatory process. The first stage is the Notice of Intended Regulatory Action. The second stage is the Proposed Regulation. The third stage is the Final Regulation. Then it is signed by the governor.
- Increased costs to child care center owners should be a consideration. New regulations will increase costs for child care owners in a business model that child care center owners say is already barely viable.
- There needs to be more study of how to subsidize child care in Virginia. More financial assistance from the government most likely will be necessary.

2. Is Enforcement of Child Care Licensing Adequate?

Problems

- At the beginning of the “Risk Assessment and Adverse Enforcement Guidance Manual” it says, “The purpose of licensure and registration requirements is to ensure that consumers receive at least the minimum level of acceptable care. Unfortunately, because the threshold is set at a minimum level, there is no significant buffer or safety zone. That is, most violations pose some degree of risk for consumers.”⁴ This low threshold makes it especially important that all social services licensing personnel be very capable at their jobs. There is evidence of inconsistent enforcement.
- Some child care centers apparently have ongoing systemic problems. Evidence of this is that some centers have had many violations, intermediate sanctions, Child Protective Services (CPS) cases and/or legal cases over the course of several years.
- Currently, inspectors are required to visit centers twice a year, and when they receive citizen complaints. Centers are allowed to grow without a new inspection.
- The length of time for enforcement is generally too slow, and sometimes doesn’t happen until a center is up for licensing renewal. Licensing has 30 days to investigate a complaint. The length of time from a licensing inspection that leads to an intermediate sanction can be over 6 months.

Recommendations

- Ensure that there is accountability for licensing government employees, from the inspectors all the way up to the director of licensing. They need to know how to apply common sense to interpretation of standards. They should have ongoing trainings and experiences that increase their understanding of Division of Licensing Programs Help and Information Network (DOLPHIN), mandatory reporting to Child Protective Services (CPS), sociocultural biases, etc.
- Centers that receive intermediate sanctions should be more closely monitored by licensing. More training, particularly leadership training, should be required for these centers.
- Consider increasing the number of licensing visits per year. At least, change the current twice a year visits to regular intervals. An inspection should also be required before a center grows. Licensing inspectors should be more proactive in assisting centers to improve.
- The enforcement process should happen over a shorter length of time. There should be a shorter time frame between a complaint and an investigation. While it is an important part of due process that center owners have a right to appeal, the length of time for the appeal process should be shortened. This will help decrease the chances of another egregious incident occurring during the process.

3. Is Training and Education of Child Care Workers Adequate?

Problems

- Training in basic safety practices often is not emphasized enough.
- Good curriculums, which can give staff access to structure and ideas to keep children interested, are not used enough in child care centers.
- Current child care licensing training requirements for aides/assistants are too minimal. Additionally, aides/assistants sometimes are given more responsibilities than what they are capable of such as being in charge during nap time or being responsible for parent communication.
- Management best practices are not common enough in child care centers. Good leadership and mentoring are particularly important in child care.
- Many centers lack the ability to identify children with special needs. This creates challenges for those children, for other children in the center, and for staff.
- Low morale, disrespect and control issues between staff and between staff and children are too common in child care centers.

Recommendations

- Encourage the state of Virginia to expand “Virginia Quality”, Virginia’s Quality Rating and Improvement System (QRIS). A QRIS is a method used nationally to define, measure, and improve the level of quality of child care and preschool programs. Quality ratings help families identify high quality child care programs. “Virginia Quality” assists child care programs in providing high quality child care and recognizes them for the services they provide. Encourage local centers to implement “Virginia Quality”.
- Encourage the continuation, expansion and improvement of early childhood training and education programs, including those associated with universities, community colleges, the American Montessori Society, Virginia Association for the Education of Young Children (VAEYC), Voices for Children, Child Care Aware, Child Care Network, Teachstone for Classroom Assessment Scoring System (CLASS), etc.
- Research and consider the movement, “Power to the Profession”, which would establish basic training for all child care workers, including assistants.
- Emphasize that all centers need to put safety first. Even centers that use good curriculums need to put safety first.
- Encourage the development of healthy cultures within child care centers, where there is leadership that is professional but personable and where staff strive for values like respect, patience, communication and cooperation.

4. When Child Protective Services (CPS) Investigates an Incident at a Child Care Center, Should Families of the Children Involved in the Investigation be Given Information Regarding the Investigation?

Problems

- When a CPS case occurs at a child care center, parents are given no representation.
- When a CPS case occurs at a child care center, and a founded case is overturned, parents are not guaranteed access to information about why the case was overturned.

Recommendations

- Change Virginia law so that parents can have both representation and access to information about why a CPS founded case was overturned, in CPS cases that involve their children at child care centers.

Notes

1. See "Caring for our Children Basics: Health and Safety Foundations for Early Care and Education" (9).
2. See "Standards for Licensed Child Day Centers" (18,19, 31).
3. See "The Child Care State Licensing Database" Virginia (1-2).
4. See "Risk Assessment and Adverse Enforcement Guidance Manual"(3)

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