naeyc® National Association for the Education of Young Children

Deregulation Won’t Solve Child Care . . .

A Companion Piece for Advocates

August 2022


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But It Will Decrease Safety and Supply

July 2022

No Correlation Between Regulations and Child Care Supply

Ratios and Group Sizes are Necessary for Safety and Quality—and Prevent Educator Burnout and Turnover

Deregulation Won’t Solve Child Care . . .

But It Will Decrease Safety and Supply

- Regulations promote safety and quality in child care providers, and efforts to undermine them won’t solve the supply problem – but will cause harm.
- The solution is to increase public investment in child care to cover the cost of providing quality care. This, by definition, must include competitive compensation that recognizes the skill, competency, and value of early childhood educators, and allows for the recommended ratios and group sizes that are needed for educators to want to do their jobs, and to do them safely and well.
- While there are opportunities to streamline and lessen paperwork burdens, and target the revision of regulations that undermine the expertise and autonomy of early childhood educators, policies that make child care less attractive to educators by making their jobs harder (via increased ratios and group sizes) will worsen the supply problem those policies are trying to solve.

Read the full piece here.

Here Are Some Options and Advocacy Actions to Explore Instead

While increased investment is the solution to the child care staffing and supply crisis, some states will continue to want to take action on regulations. Rather than looking at ratios, group sizes, and staff qualifications, this resource shares some alternative opportunities advocates might pursue in recognition of the need to improve and modernize some regulations in support of a professional early childhood education workforce.

Opportunites to Improve and Modernize Regulations

Regulations that are sometimes targeted as burdensome, such as staff-to-child ratios, are crucial elements of program quality and safety. However, there may be opportunities to relax, align, or modernize other regulations—reducing costs and administrative burdens to build supply with minimal downside.

- States and localities can improve zoning regulations that impact child care centers and homes.
  - Arlington, VA relaxed zoning regulations such as minimum parking requirements for child care facilities.
  - California passed SB 234, exempting large family child care homes from restrictive local zoning ordinances that make it more difficult and expensive for individuals to operate or expand programs.
- States can align requirements across licensing, quality rating systems, accreditation, and other regulatory systems programs may be subject to. Better alignment of staff training and professional development requirements, paperwork and administrative requirements, and other regulations removes disincentives to participate in these systems and reduces confusion and frustration caused by conflicting standards.
- States can improve hiring procedures, including reducing and eliminating backlogs on background checks, to get new hires into classrooms more quickly.
  - Currently, 24 states belong to the FBI’s National Fingerprint File program to conduct interstate background checks. More states should join this national program to facilitate more effective background check processes.

- States should consider the appropriate balance of licensing standards in legislation versus administrative regulations. In some states, the regulatory process may be more ideal for allowing appropriate and timely updates to standards.
- States can cover the costs of facilities improvements, including required construction or required lead or radon testing; these improvements are necessary for keeping children safe but costly for providers to implement and maintain. States should also ensure providers, who are not experts in these types of facilities-related activities, have access to technical assistance and professionals to ensure they can adequately and efficiently meet such requirements.
- States can do more to help providers meet licensing standards, such as covering the expenses of attending trainings and easing paperwork requirements.
  - The supports offered through Washington's Early Achievers program, including free training and technical assistance to providers, grants to help programs make quality improvements, and scholarships to support early educators' professional development provide one such example.

Recommendations

Areas to Focus on for Investments:

- Analyze licensing standards to identify opportunities to relax, align, and modernize regulations that do not impact safety and quality
- Dedicate funds to support providers to meet licensing standards and move towards supportive licensing systems and structures
- Dedicate funds to support supply building efforts through facilities and workforce investments
- Dedicate funds to higher education access and quality, including through comprehensive scholarships, loan forgiveness, and professional development supports for incumbent and aspiring early childhood educators
- Dedicate funds and time to analyzing licensing standards in pursuit of opportunities to align and modernize regulations that do not impact safety and quality
  - Example: Minnesota's Family Child Care Task Force Legislative Report
- Move towards payments for providers that cover the cost of providing quality child care—which includes competitive compensation, low ratios, and smaller group sizes

Areas to Focus on for Advocacy:

- Build coalitions with strong educator presence from all settings, inclusive of family child care, to show support of strong regulations from the field—and advocate for increased investments in early childhood
- Amplify educator perspectives on the importance of ratios, group sizes, and educator preparation and support for educator retention
- Highlight parent and family experiences and their expectations for safety and quality in their child care settings, including parents who have been impacted by harm caused to their child in deregulated or unregulated settings
- Build legislative champions to make the case for the importance of strong regulations and the impact of deregulation efforts on the system
- Foster and leverage partnerships with state administrative leaders

State Examples of Opposing Deregulation Efforts

Opposing a deregulation effort can require substantial advocacy. Here are two state examples:

Maine

In 2018, a handful of bills were introduced that would loosen numerous regulations, including increased group sizes and higher ratios. Proponents argued that this was necessary to increase child care supply and that it would not impact the safety or quality of care, as long as qualified educators—the driving force of high quality—were in the classroom. Advocates successfully made the case that loosening these regulations would in fact negatively impact safety, quality, and ultimately supply—and prevented the bills from passing.

Strategies

- Strong coalition of providers, educators, and a range of new and existing stakeholder partners
- Advocacy training for educators and providers
- Coordinated efforts to get oral and written testimony from educators and providers in opposition
  - Ultimately, about 75% of testimony submitted was in opposition to the bills—and made compelling cases from educators, giving examples of what more children in the classroom would actually look like and mean for the day-to-day of the children and educators
- Ongoing work to bridge tensions and build partnership among and between family child care and center providers so that all settings were represented

- Outreach to legislators—including meetings, calls, program visits—to show lawmakers what classrooms look like and how important the group size and ratios are for classroom management and engagement

Some program directors did support the legislation because they felt it was the only plausible way for them to keep their doors open. However, the majority were in opposition to the deregulation agenda, and so advocates focused on elevating their perspectives to make sure lawmakers were hearing more from the opposition than the smaller group of proponents.

Illinois

Several deregulation bills have been introduced in recent years' legislative sessions, primarily focused on reducing qualifications for lead teachers in licensed centers. These bills have gained the support of some directors and owners, who have been experiencing challenges finding and hiring qualified staff to fill vacancies. Other bills have sought to expand license exemptions by, for example, allowing license-exempt programs to care for more children, younger children, etc. These bills have typically been brought to legislators by one or two providers in their district in response to their specific issues and circumstances.

Strategies

- Advocates worked hard to educate key legislators—especially those on the committees hearing the bills—on the importance of licensure and core regulations: minimum staff qualifications, group sizes, ratios, etc.
- Focused messages on what is best for the entire early childhood system and children in that policy changes should not be driven by individual provider needs or wants
- Found compromises; for example, time-limited relief through an administrative policy rather than long term, permanent, legislative change to address immediate staffing shortages while pursuing long-term solutions and investments in the workforce
    - In one example, rather than reduce qualifications overall, a temporary policy was put in place to allow for lead teachers in child care centers to complete the early childhood coursework requirement (6 semester hours, or 2 college courses) while employed. These educators were directed to targeted supports to ensure they were enrolled and progressing in their courses and completed in the specified timeframe in order to remain in their role.

Parents were notified of these temporary educators in their child's classrooms and how the educator was working toward their full qualifications. This solution, while not perfect, was an attempt to provide much needed temporary support to providers to get otherwise qualified staff in classrooms, while maintaining the position that educators' education and preparation is a priority—and investing in supports for more to meet those qualifications and be in classrooms.

In some cases, the portion of the child care sector most active in support of deregulation is the same portion that does not receive public funding. These providers may not have access to the resources required to help invest in compensation, staffing, and higher cost regulatory requirements. Addressing their lack of access to supports on the front end may help to minimize their support of a deregulation agenda on the back end. States have been using child care relief funds to reach some of these programs and providers. For example:

- In 2022, Illinois used ARPA funds to launch the **Strengthen and Grow Child Care (SGCC) Grants.**
    - The new grants were designed taking all funding streams into account to maximize access to stable and predictable funding in order to improve quality and support workforce development.
    - These grants prioritize equitable and transparent funding across all of Illinois, including those providers operating without existing grant-based revenue. Programs that operate without predictable grant funding from sources like Head Start and Preschool for All struggle the most to pay reasonable wages and make investments in quality programming.
    - The SGCC grants will provide the additional resources that providers with minimal existing grant-based public funding need so that they can make necessary investments in workforce development and quality programming.