

Child Care Regulations

BACKGROUND

This brief provides an overview of certain child care regulations, which states enact to provide safeguards to protect the health and safety of children and program staff and support the overall quality of a child care program.

Licensing Requirements

States have considerable flexibility in the design and operation of their child care systems, but they must all have in effect licensing requirements to [receive federal funding](#). Through licensing, states set minimum requirements that child care providers must meet to legally operate. Licensed child care providers and their staff must meet minimum qualifications and receive ongoing training to provide appropriate care, and they must ensure enough adults are present to safely supervise children. All licensed child care providers are subject to background check requirements. Child care providers serving subsidy-eligible children must receive pre-service and ongoing training on topics like CPR, first aid, and safe sleep practices. Licensing requires that child care programs are monitored to ensure they continue to meet these requirements. The [2014 reauthorization](#) of the Child Care and Development Block Grant (CCDBG), which drew bipartisan support from members of Congress, included additional child care health and safety protections that states must certify they meet and directs states to make information available annually regarding the number of deaths, serious injuries and instances of child abuse in child care settings.

States may establish different licensing rules for different types of providers. Some child care programs may be exempt from licensing, depending on the type of program, where and when it operates, and the number of children in care. [License-exempt care](#) may include providers caring only for related children, caring for a small number of children, religiously sponsored care, or facilities only operating a few hours a day. States must describe in their formal applications for federal funding how child care providers who are exempt from these requirements do not endanger the health, safety and development of children. On the other hand, some local governments enact stricter licensing requirements in addition to what the state mandates.

All program settings can demonstrate a commitment to providing safe and healthy child care for the families and children in their community by becoming licensed, even when it is not required. Licensing establishes health and safety standards and sets clear expectations for child care providers to ensure their program is conducive to safety and learning. Becoming a licensed program indicates a commitment to maintaining a safe and stimulating learning environment for children that prioritizes their well-being and development. Parents consider multiple factors when choosing a child care program, with safety and quality being among [their top priorities](#), and becoming a licensed program can provide families with peace of mind knowing that when their child is in care, they are in the reliable hands of a provider that supports their child's healthy development, safety, and well-being.

Group Sizes and Ratios

Federal law [requires states and territories](#) to establish their own standards for child group sizes for each age group of children receiving care. Group sizes refer to the maximum number of children allowed in each child care center classroom, or the maximum number of children allowed in a family child care home. Staff-to-child ratios refers to the minimum number of adults required for a specific number of children, based on the ages of the children.

Research shows that no matter what the setting for care is, fewer children per educator and smaller group sizes overall contribute to health and safety, as well as stronger child development, especially [for infants and toddlers](#). National [standards](#) and [accreditation](#) requirements reflect these learnings. Smaller groups of children and lower ratios allow staff to provide adequate supervision of children and respond in emergencies, including when evacuations are needed in the event of a fire or another emergency. [Studies show](#) that children who are in programs with lower

ratios receive more stimulating and responsive care and have been linked to higher social competence, communication and language skills, and cognitive development.

Low ratios and group sizes also benefit child care providers and are key to their success and overall well-being. They lessen stressful situations for staff, which can decrease burnout, demoralization, and turnover when classroom settings are a more manageable size. A recent child care provider [workforce survey](#) found that 47% of total respondents reported that their sense of burnout had worsened in the last year, with the top three causes of burnout reported as low wages, physical and mental demands of the job, and insufficient resources to deal with children's developmental and behavioral challenges. The same survey finds that workforce shortages are the primary factor driving under-enrollment at programs. Increasing ratios and group sizes without further investment for the child care system has the potential to further add to the existing stress of child care providers.

Another consideration for providers is [liability insurance](#), which they may need to operate a licensed program. A recent child care [workforce study](#) found an increase in insurance liability coverage costs and a decrease in coverage options generally in child care. The study found that some providers had been denied by insurance companies for serving too many children or too many children per educator. When increasing their group sizes and ratios, child care providers may be denied coverage if insurers consider the state licensing capacities and ratios too much of a risk.

Child Care Provider Qualifications

All states [set minimum requirements](#) for individuals who want to become employed in a licensed child care program or as a family child care provider. These may include requirements around minimum age to work in a classroom, initial training, or education/credential attainment, and may vary based on the position (director, lead teacher, assistant teacher, etc.). A [recent study](#) finds that state licensing requirements for child care provider qualifications and competency standards that vary greatly. For example, some states require a high school diploma, specialized training or the completion of an approved credential program for teachers and teaching assistants before entering a classroom, while others do not have this same threshold.

Children [benefit most](#) when child care is high-quality, which goes beyond meeting minimum health and safety requirements and provides a stimulating classroom environment for children and ongoing training for providers. A skilled and experienced child care workforce is better equipped to handle emergencies, understand child development, and provide developmentally appropriate learning experiences for children. [Research shows](#) that trained caregivers are more likely to promote the physical and mental health, safety, and cognitive development of the children in their care.

POLICY CONSIDERATIONS

Child Care Aware® of America (CCAoA) supports policies that ensure every family in the United States has access to a high-quality, affordable child care system. Quality child care supports children's growth, development, and educational advancement and creates a positive economic impact for families and communities.

CCAoA strongly encourages policymakers to consider solutions that invest in child care to address the root causes driving the sector's supply challenges. Instead of relaxing health and safety regulations, solving our child care crisis requires large-scale public investment that supports health, safety, and quality, and leads to the viability of the system long-term.

Effective Changes That Build Supply While Maintaining Safety

There may be opportunities to reduce or modernize burdensome local and state regulations that make it difficult for providers to operate a child care business, but make no concessions on the health and safety of children and staff. For example, some zoning laws restrict the hours child care programs may operate or require programs to obtain costly permits or business licenses. In some localities, Homeowner Associations (HOAs) may prohibit child care programs from establishing their business at all. These policies can hinder the growth of child care supply.

Some states, including Arkansas, California, Colorado, Connecticut, Oklahoma, Oregon, and Washington, have taken steps to promote the growth of child care supply by revising burdensome regulations that make it difficult for providers to operate a child care business. These provisions have included but are not limited to modifying zoning codes to treat home-based programs as residences for zoning, fire, safety, and building code purposes; prohibiting HOAs from restricting or banning operations of licensed family child care programs in units; and reducing or waiving off-street parking requirements for child care facilities.

RESOURCES ON SMART REGULATORY CHANGE

- Child Care Aware® of America: [Testimony Concerning Changes to Family Child Care Homes and Child Care Centers Adult to Child Ratios](#)
- National Association for the Education of Young Children (NAEYC) and Center for American Progress: [A Path Forward on Child Care Regulation](#)
- Urban Institute: [Increasing Child Care Supply Will Take Investment- Not Deregulation](#)
- Zero to Three: [Ratios and Group Sizes in Child Care Matter for Babies](#)
- Opportunities Exchange: [Right Sizing Child Care Regulation](#)
- Children's Equity Project: [Reimagining State Child Care Licensing](#)
- Home Grown: [Valuing Family Child Care via State Licensing Systems](#)
- NAEYC: [The Costs of Deregulating Child Care Decreased Supply, Increased Turnover, and Compromised Safety](#)
- NAEYC: [Liability Insurance and Early Childhood Education](#)