

EQUAL PROTECTION AND QUALITY EDUCATION FOR EVERY CHILD

WHEREAS: all children regardless of age, ethnicity, religion, or social-economic status deserve nurturing and protection;

WHEREAS: children in the care of unlicensed child care providers may experience greater risks to their health, safety and optimum development;

WHEREAS: parents value safe and nurturing settings with appropriate regulations and oversight and monitoring using equal standards;

WHEREAS: licensed providers recognize the value of positive, appropriate regulation and monitoring to ensure protection and stimulate quality;

WHEREAS: equitably enforced licensing regulations provide a floor of protection, assuring environmental health and safety including qualifications and training of teachers and staff-child ratios, age-appropriate activities and furnishings, and a variety of learning opportunities; these factors are recognized as being essential building blocks to achieving quality child care programs that reduce cumulative long-range risks to children's social, academic and economic success;

WHEREAS: children served in unregulated exempt services do not benefit from the same level of health and safety protection, program standards, staff criminal record checks, qualified and trained staff, staff-child ratios, building and fire code approvals, or licensing staff oversight, consultative assistance and investigation of complaints;

WHEREAS: the cost of adequately and effectively supporting the protections provided by state licensing agencies must be borne by the public;

THEREFORE BE IT RESOLVED: The National Association for Regulatory Administration and the National Child Care Association oppose exemptions to licensing laws and regulations because they put children at increased risk of harm.

BE IT FURTHER RESOLVED: These organizations endorse and support appropriate regulations and the benefits of licensing and monitoring of services for children in out-of-home care, including relative care and before- and after-school programs for school age children, regardless of who provides those services and where those services are provided.

BE IT FURTHER RESOLVED: These organizations support a realignment of public resources to support additional funding for licensing agencies due to an expanded scope created through the elimination of exemptions.

Rationale

Licensing exemptions granted to organizations and individuals that care for children are a growing concern to many who care for and about children. Examples include unregulated home-based providers, faith-based programs, public and private schools and recreation programs, camps, related providers and other “license-exempt” providers within the early childhood education and child care delivery system.

There are many benefits to licensure. Studies show children in quality, licensed programs are healthier and safer and that they are exposed to age-appropriate curricula that help them develop intellectually, emotionally, physically and socially¹. Additionally, strong, appropriate licensing programs are recognized for the strong role they play in supporting and influencing quality early care and education programs that reduce cumulative, long-range risks to children’s social, academic and economic success.

School-age care is a particular concern to many. Children who are unsupervised, without constructive activities and well-planned opportunities to develop positive relationships during after-school hours, may have more behavior problems or adjustment challenges as they progress in school, and may have limited social competence. Peak hours for violent juvenile crime and victimization are between 3:00 p.m. and 9:00 p.m. when children are out of school and parents are at work. Those who lack supervision are most at risk.

Parents, police departments,² and business leaders³ are among those who advocate for after-school programs that provide meaningful activities, learning opportunities, and safe environments for children. Licensing regulations and enforcement require licensed providers to provide these services. License-exempt care could meet other national, state or local standards, but these are often voluntary, sometimes not age-appropriate and not acceptable alternatives. The increased interest in exempting currently licensed programs based on accreditation standards alone is also unacceptable. With no licensing regulations and no monitoring by licensing staff, the risk of physical and emotional harm to children is likely to be higher than in regulated care settings. Regulation and monitoring assure baseline standards for all children insuring an imperative defense of children’s safety in out-of-home care. Licensing agencies assure accountability and oversight of these baseline standards. In addition, the violation records of licensed facilities are available to parents seeking the best provider for their children.

¹ *Cost, Quality and Child Outcomes in Child Care Centers*, University of Colorado, 1995

² *America’s Child Care Crisis: A Crime Prevention Tragedy*, Fight Crime, Invest in Kids

³ *Early Childhood Education: A Call to Action from the Business Community*, The Business Roundtable

Another growing concern is family, friend and neighbor child care. As substantial funding continues for at risk children, relative care continues to increase. The recent Child Care Bureau Report to Congress⁴ highlights this growth. The concern is not with the fact that family is caring for family, but rather with assuring all caregivers' knowledge, experience and ability to offer sound, age-appropriate early care and education practices and appropriate safety precautions. In many cases, the poverty cycle continues as a result of unskilled, sometimes uninterested, family members caring for children⁵. The implementation of appropriate licensing regulations in these situations would have the positive effect of offering caregivers valuable resources and training in early care and education thus creating a higher societal return on taxpayer investments.

As the number of license exemptions increases, regulatory agencies often observe the financial struggles of licensed programs that are forced into unfair competition with exempt programs that neither meet baseline regulations nor, in many cases, pay taxes. There is a lack of fundamental equity and fairness when regulations that serve children of the same age and needs are not applied universally. This inequity is compounded if tax dollars support exempt programs. Policy makers should seek to change this situation that is harmful to children's safety and optimal development, unfair to licensed providers, and wasting a portion of tax revenues.

In the absence of regulatory equity, many providers--regardless of their status as non-profit or for-profit providers--will likely seek equalizing exemptions by joining the ranks of unlicensed providers or will put pressure on licensing agencies to lower regulations in order to reduce operating costs. If either strategy is successful, more children will likely be in programs that are not as safe from immediate and cumulative risks. Parents will not have the assurances of independent oversight and monitoring to help assure safety and good outcomes for their children.

The purpose of licensing is "*Consumer Protection through Prevention.*"⁶ We know that appropriate licensing systems ensure attention to protecting children and provide a solid foundation for the nation's education and economic systems by addressing cumulative risks to children's optimal development.

Our mutual goal is to embrace all providers within an efficient, effective, and responsive regulatory infrastructure that recognizes current realities and safeguards every child in out-of-home care.

⁴ Child Care and Development Fund: Report to Congress, Fiscal Year 2001

⁵ *The Study of Children in Family Child Care and Relative Care*, Ellen Galinsky, 1994

⁶ Vision Statement: National Association for Regulatory Administration