



# The Role of Licensing in Supporting Quality Practices in Early Care and Education

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## Introduction

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Licensing is traditionally viewed as providing the *foundation* (or the *floor*) of quality early care and education (ECE). States and territories are responsible for licensing child care programs, and a license serves as permission to legally operate a child care program. The essential purpose of licensing is to provide basic protections to prevent harm to children. State statutes set parameters for child care licensing (e.g., define the settings that are licensed; National Center on Child Care Quality Improvement, NCCCQI, 2014a). State agency staff then develop rules that further define the statutes, such as delineating monitoring procedures and enforcement actions. Initiatives like Quality Rating and Improvement Systems (QRIS) often build on the basic requirements of licensing to define quality and support programs in achieving higher levels of quality (Tout & Maxwell, 2010).

This conceptualization of licensing as a basic, first step toward quality has begun to change recently. Licensing is increasingly viewed as integral all along the quality continuum, not just at the lower level of quality. Further, some ECE policymakers are considering how all aspects of the licensing system—from the standards to monitoring compliance to enforcement—can support the quality of ECE. Although the conceptual relationship between licensing and quality is evolving, there is little research about *how* licensing influences quality. This brief provides a framework to support discussion and research in this important area.

## Purpose

The primary purpose of this brief is to describe a framework for the role of licensing in supporting quality ECE. We hope that this framework will assist Child Care and Development Fund (CCDF) and licensing administrators in their work to oversee ECE. We also hope that it will help researchers in their efforts to articulate and test hypotheses that improve our understanding of the relationship between licensing and quality. The framework includes a set of possible research questions related to licensing and quality, as well as a description of existing licensing data at the national level that could be used in research. We acknowledge that the research on licensing and quality is early in its development. As such, a likely next step in building the evidence base for the relationship between licensing and quality

in ECE is to conduct basic descriptive studies using state or territory licensing and quality data as well as qualitative data (e.g., focus groups with providers).

## Background

Recent federal and state efforts have underscored the importance of the relationship between licensing and quality. The federal Child Care and Development Block Grant (CCDBG) Act of 2014<sup>1</sup> and the 2016 CCDF final rule<sup>2</sup> strengthened the health and safety as well as quality requirements for ECE providers receiving CCDF funds (e.g., child care subsidies). Providers receiving CCDF funds include those who are licensed by the state or territory as well as those who are legally license-exempt. These new requirements address a range of topics such as caseloads and professional development for staff who monitor CCDF providers, health and safety training for CCDF providers, and the implementation of early learning and development guidelines for children birth to kindergarten. Federal and non-federal experts developed *Caring for Our Children Basics: Health and Safety Foundations for Early Care and Education* (Administration for Children and Families, 2015) as a resource to support states and territories in setting minimum standards for health and safety.<sup>3</sup> To help strengthen quality, the reauthorized law also stipulates increases, over time, in the percentage of CCDF funds that can be invested in quality from four to nine percent.

The 2016 joint statement from the U.S. Department of Health and Human Services and U.S. Department of Agriculture<sup>4</sup> calls for states and territories to move away from a compliance perspective in ECE monitoring to one of continuous quality improvement. This shift in culture will require revisions to policies (e.g., job descriptions for licensors) as well as training and ongoing support for monitoring staff.

At the state level, some Quality Rating and Improvement System (QRIS) frameworks include licensing as a prerequisite for a rating or as the first rating level of quality,<sup>5</sup> and some QRIS leaders have described QRIS as a strategy for raising the floor of quality beyond licensing (Schilder, Iruka, Dichter, & Mathias, 2016). Though licensing has historically been described as the floor of quality, this conceptualization is changing so that licensing is increasingly viewed as important all along the quality continuum. For example, licensing standards for health promotion practices can range from minimal (e.g., space is free of hazards) to substantial support for physical and emotional well-being (e.g., children engage in regular physical activity, curriculum addresses social-emotional development).

Research on the relationship between licensing and quality has focused primarily on the inclusion of certain standards or the stringency of the standards and their relationship with global quality or accreditation. Studies have documented higher global quality in states that have higher, more stringent state licensing standards (e.g., Cost, Quality, and Child Outcomes Study Team, 1995; Hotz & Xiao, 2011; Rigby, Ryan, & Brooks-Gunn, 2007). Two research teams found that states with more stringent licensing requirements tended to have a higher percentage of programs accredited by the National Association for the Education of Young Children (NAEYC) compared to states with less stringent requirements (Apple, 2006; Hotz and Xiao, 2011). The research does not, however, address if the licensing practices themselves make the difference and, if so, *how* licensing might influence quality, beyond the inclusion of particular licensing standards.

Within this broad context, we provide a framework of quality supports and a framework for how licensing supports quality. The brief offers examples of hypotheses about how licensing might influence quality. It includes a set of research questions to better understand the relationship between

<sup>1</sup> 42 U.S.C. §§ 9857-9858 (2015).

<sup>2</sup> Child Care and Development Fund, 45 C.F.R. § 98 (2016).

<sup>3</sup> The *Basics* document is based on *Caring for Our Children: National Health and Safety Performance Standards Guidelines for Early Care and Education Programs*, a comprehensive set of guidelines developed by national experts as part of the National Resource Center on Health and Safety in Child Care and Early Education. Both documents offer suggestions by experts.

<sup>4</sup> The U.S. Department of Agriculture administers the Child and Adult Care Food Program (CACFP). Many ECE providers receive aid from CACFP to support their food.

<sup>5</sup> See [qualitycompendium.org](http://qualitycompendium.org) for more information about QRIS standards, ratings, and supports as well as the variability in QRIS across states.

licensing and quality and how they ultimately support young children’s development. We hope that the information in this brief will facilitate the delineation of testable assumptions about licensing practices and will inform state and federal research agendas.

## Framework of Quality Supports

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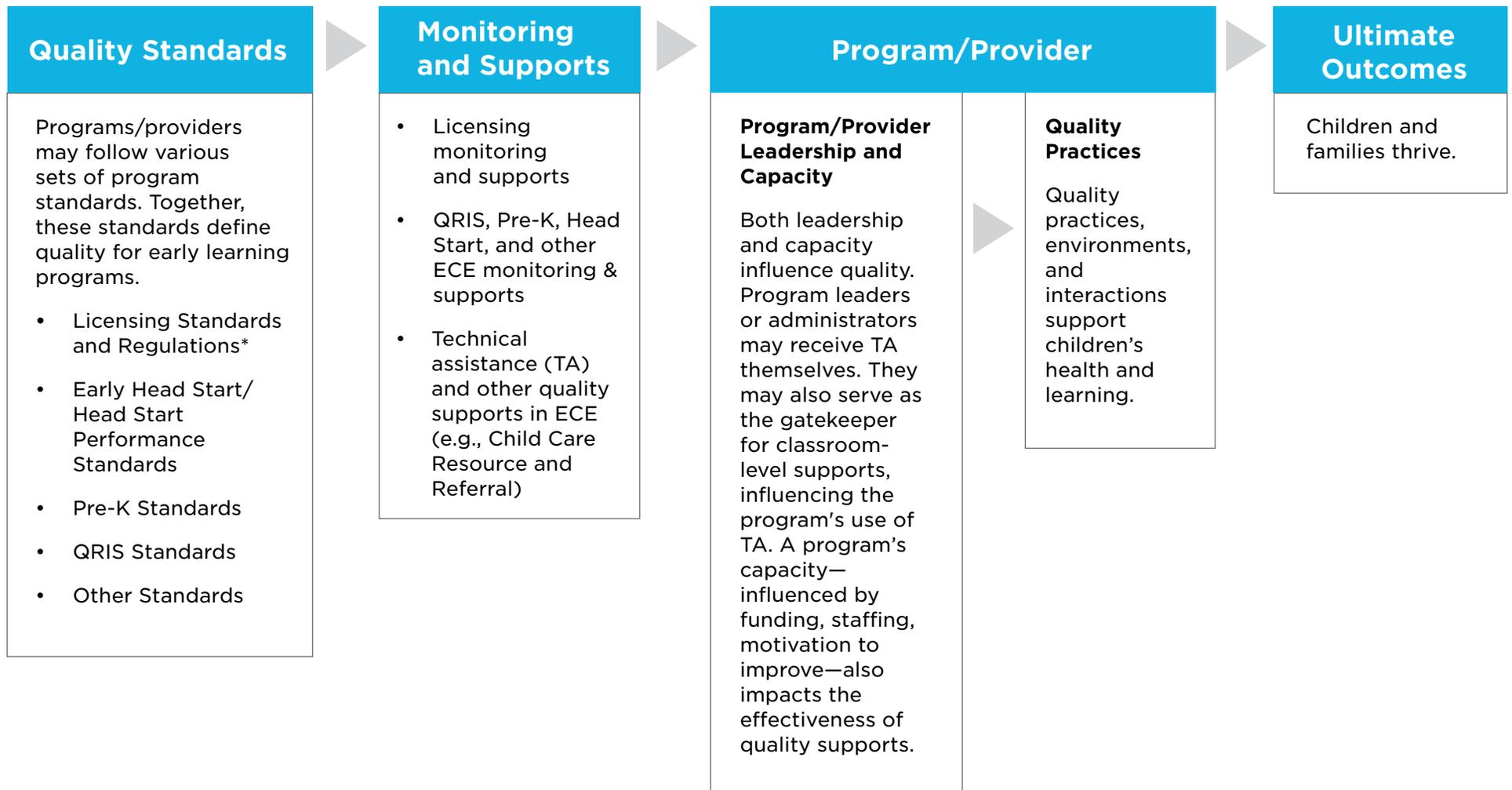
Licensing of child care programs is an important part of the broader early care and education system. Kagan and Cohen (1997) included program licensing as one of eight key components of the system: (1) quality programs; (2) data systems; (3) family engagement; (4) individual staff licensing; (5) professional preparation; (6) program licensing; (7) financing; and (8) governance, planning, and accountability. While acknowledging the importance of the broader ECE system, we focus this brief on the role of licensing in supporting quality.

Figure 1 depicts a framework for ECE quality supports. It highlights the role of licensing in establishing standards or regulations related to quality, as well as supporting programs in maintaining or improving quality. See the text box for descriptions of the elements of the framework.



**Figure 1. Framework for ECE Quality Supports**

Licensing is an important part of the system that supports quality ECE through its standards and regulations, monitoring and supports, and connections with other parts of the system. Figure 2 presents more detailed information about *how* licensing supports quality.



**Contexts That Influence Licensing and Quality:** Financial Resources, Political Climate, ECE Settings, ECE System Governance, Stakeholder Support, Best Practice, Broader Early Childhood System

\*Many programs are required to meet licensing standards and regulations to operate legally in states/territories, so these are shown as the foundation level of standards.

## Elements of ECE Framework of Quality Supports

Each element of the framework in Figure 1 is described below.

**Quality Standards and Regulations.** Quality standards and regulations presented in the first column include various sets of federal and state or territory standards and regulations (e.g., licensing, QRIS, Head Start, pre-K) that, together, provide a definition of quality which programs must adhere to or may aspire to meet. This set of quality standards also guides professional development efforts (e.g., coaching, community college courses). Licensing is unique among the set of standards and regulations because most providers must<sup>6</sup> meet the state or territory licensing regulations to operate legally; most other standards are voluntary. Together, the standards and regulations provide an important support by operationalizing aspects of quality for ECE providers.

**Monitoring and Supports to Maintain or Improve Quality.** The boxes in the second column of the figure depict the ECE quality supports available to programs. The supports, including licensing, help programs at all levels of quality maintain or improve their practices. Connections across the various forms of support are important; supports are likely more effective when they are better coordinated.

*Licensing.* Licensing specialists help providers comply with licensing regulations and support overall program quality. There are multiple ways that licensing supports quality; these are discussed in more detail in the next section of this report.

*QRIS, Head Start, Pre-K, and other monitoring and supports.* Several other entities, besides licensing, monitor and support ECE providers in meeting various quality practices. These include QRIS, Head Start, Pre-K, and others such as the Child and Adult Care Food Program.

*TA and other ECE supports.* This box represents all other supports available to help programs and providers maintain or improve quality. This may include content-specific supports (e.g., child care health consultants, behavior specialists) or other general supports (e.g., technical assistance through the Child Care Resource & Referral agency, career counseling).

**Program/Provider Quality: Leadership and Organizational Capacity.** Supports may be directed at the leadership or organizational level of an ECE program in an effort to improve quality. The organizational capacity, including program leadership, is critical in supporting quality (Tout, Epstein, Soli, & Lowe, 2015). The program director's understanding of and commitment to quality likely influences a range of practices, such as hiring staff and implementing a plan to continually improve quality. The director also serves as the gatekeeper for accessing quality supports from the larger ECE system (e.g., requesting technical assistance from the Child Care Resource & Referral agency). The capacity of the organization may also influence quality. For instance, a program that has an educational coordinator on staff may be more able to provide coaching and other ongoing supports for improving ECE practices. Family child care providers who are part of a formal network may also benefit from the organizational capacity of the network (e.g., access to coaching). Thus, leadership and organizational capacity influence quality improvement efforts to support children's growth and development.

**Program/Provider Quality: Quality Practices.** Quality ECE is the immediate outcome of monitoring and support. If licensing and the other parts of the ECE system are working as intended to support quality and quality improvement, then there will be more high-quality ECE providers who offer the environments, practices, and interactions needed to support children's development and learning.

**Ultimate Outcome: Thriving Children and Families.** The last box in the figure is significant because it conveys the goal of quality programs. The system is focused on quality as a strategy for helping young children and families thrive. Children and families are the ultimate recipients of the ECE system efforts.

<sup>6</sup> Not all individuals or programs that provide ECE for young children are required to be licensed. States and territories determine which providers are legally exempt from licensing (e.g., those caring only for one child).

**Context.** Broader contextual factors may also affect the licensing system and influence program attention to quality, participation in quality improvement activities, and child and family outcomes.

*Financial resources.* Funding may influence the supports available through licensing and other parts of the ECE system to promote licensing compliance and quality practices.

*Political climate.* The broader political climate at the federal, state, and local levels may affect quality supports—including licensing—through laws, funding decisions, or other means.

*ECE settings.* Quality support strategies and activities may need to vary for different types of settings (e.g., family child care vs. child care center).

*ECE governance.* The governance structure for licensing, QRIS, Head Start, and pre-K may make it easier or harder to coordinate across the various staff who provide support to ECE programs.

*Stakeholder support.* The views of the ECE workforce, consumers, lawmakers, and government agency staff may influence the value placed on high-quality programs and program commitment to improving practices that support children and families.

*Best practice.* Research and knowledge of best practices in licensing and quality may influence licensing activities as well as program, child, and family outcomes.

*Other aspects of the early childhood system.* Other aspects of the early childhood system, such as health and family support services, also contribute to the health and well-being of children and their families.

## How Licensing Supports Quality

In this section of the brief we describe how licensing supports quality; we also offer hypotheses about how various components of licensing *may* support quality.

In 2017, the National Association for Regulatory Administration (NARA),<sup>7</sup> in partnership with the National Center on Child Care Quality Improvement (NCCCQI),<sup>8</sup> updated the *Best Practices for Human Care Regulation*. This publication describes best practices for organizations that regulate programs. The practices are divided into the categories of organizational management and regulatory management. Organizational management includes six components: leadership, strategic planning, financial and resource controls, staffing, professional development system for organization staff, and communication. Regulatory management covers another six components: statutory provisions, standards development, programmatic policy, legal enforcement, quality assurance for improvement and control, and technical assistance (TA). This section of the brief describes how these various best practices can support ECE quality. It also includes hypotheses related to these practices that could be tested in future research.

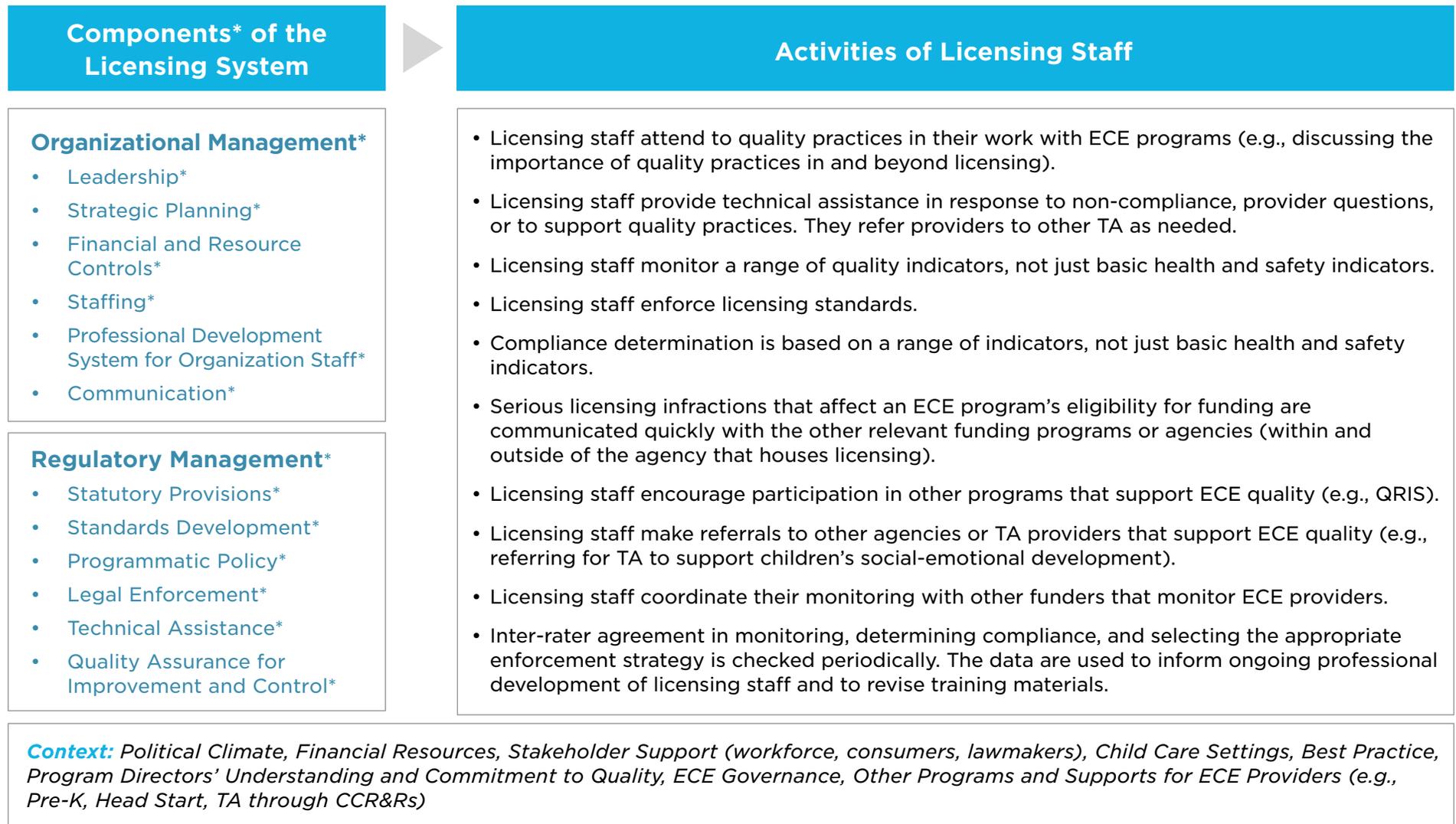
Figure 2 depicts the role of licensing in supporting quality practices in ECE and includes the components from the *Best Practices for Human Care Regulation*. The figure describes licensing activities that can support quality, delineates short-term outcomes for providers and the broader ECE system, and describes long-term outcomes for providers.

<sup>7</sup> The National Association for Regulatory Administration (NARA) is a member organization that represents human care licensing (e.g., ECE providers, nursing homes). <https://www.naralicensing.org/>

<sup>8</sup> The National Center on Child Care Quality Improvement, now the National Center on Early Childhood Quality Assurance, is funded by the Administration for Children and Families to help state and territory leaders and their partners support quality across all ECE settings. <https://childcareta.acf.hhs.gov/centers/national-center-early-childhood-quality-assurance>

**Figure 2. The Role of Licensing in Supporting Quality Practices in ECE**

ECE licensing is a critical part of the broader system that supports quality practices in early care and education, especially if state or territory ECE licensing leaders attend to quality and have the necessary resources. The bolded title of the components listed on the far left of the figure are likely present in all licensing systems. Their presence alone does not ensure that licensing supports quality. If licensing leaders and staff attend to quality, though, each component can support quality practices in early care and education. Figure 2 provides a framework for how attending to quality within the state or territory licensing system can support specific licensing practices and activities that then improve the quality of ECE providers and strengthen the ECE system.



\*Component titles in blue text are from the 2017 Best Practices in Human Care Regulation. The rest of the text in this model is new language.

Figure 2, cont. The Role of Licensing in Supporting Quality Practices in ECE

## Short-term Outcomes

### Licensed Providers:

- Attend to quality regulations, quality practices, and quality improvement
- Attend to other quality practices as well as those in licensing regulations
- Participate in QRIS or other quality improvement initiatives
- Receive the support and TA they need, either from licensing or some other part of the ECE system
- Report that monitoring is less burdensome and less confusing (because the various funding agencies are coordinating their efforts)
- Receive the support and TA they need, either from licensing or some other part of the ECE system
- Feel confident in the licensing system

### ECE System:

- Other ECE programs/funders (e.g., QRIS, pre-K, family child care networks) understand the importance of licensing, are confident in the licensing system, and attend to other aspects of quality besides those in licensing.
- Staff from other ECE programs/funders adjust their services, supports, and enforcements of ECE providers based on timely information about licensing compliance and violations.
- TA providers have more information about which providers need certain types of support (e.g., unique needs of family child care providers).

## Long-term Outcomes for Providers

- Fewer providers are non-compliant with licensing regulations.
- More licensed providers implement quality practices, environments, and interactions that support children's health and learning.
- Over time, the percentage of licensed providers participating in quality initiatives increases.
- Over time, the percentage of licensed providers that improve quality (e.g., move from a lower QRIS rating level to a higher level) increases.
- The percentage of licensed providers that are high quality (e.g., rated at the top tier of QRIS) increases over time.
- Over time, there are fewer licensed providers whose quality is very low.

**Context:** Political Climate, Financial Resources, Stakeholder Support (workforce, consumers, lawmakers), Child Care Settings, Best Practice, Program Directors' Understanding and Commitment to Quality, ECE Governance, Other Programs and Supports for ECE Providers (e.g., Pre-K, Head Start, TA through CCR&Rs)

## Organizational Management

**Leadership.** The state or territory licensing statute designates the agency (or agencies) responsible for licensing (NCCCQI, 2014a). The views and priorities of those in leadership in the agency may affect licensing activities. For example, the extent to which leaders are committed to quality and continuous quality improvement can influence the approach that licensing staff use when monitoring programs and determining enforcement actions.

- **Hypothesis:** If the licensing leader is committed to quality, licensing staff will be more likely to provide TA as the initial action in response to some areas of non-compliance (compared to other enforcement actions).

### Leader's Commitment to Continuous Quality Improvement

Dawn Woods, Oregon's Director of Child Care for the Early Learning Division, has a goal "to ensure child care programs and providers are well supported with opportunities for continuous improvement, so Oregon's children thrive." (Online bio retrieved on April 17, 2018 from <https://oregonearlylearning.com/people/dawn-barberis-ed-d/>.) The inclusion of continuous improvement in her goal communicates her values to the ECE community.



**Strategic Planning.** The vision for the entire early childhood system or the agencies that oversee ECE should guide the work of the child care licensing unit. It can communicate the valuing of quality to the ECE field and its stakeholders. ECE program quality may be better supported when the licensing unit has a strategic plan that emphasizes the importance of quality and uses a continuous improvement approach for the licensing unit and ECE programs.

- **Hypothesis:** In states and territories that give greater attention to quality in their strategic plans and communications, licensed ECE providers are more aware and knowledgeable of quality practices.

**Financial and Resource Controls.** This dimension includes establishing a budget to support the strategic plan. While a plan communicates quality as a priority, funding is needed to support the licensing unit's attention to quality and to support ECE providers in meeting licensing standards and improving quality.

- **Hypothesis:** In states and territories where a greater percentage of the licensing budget is allocated for quality and quality supports, licensing staff are more likely to attend to quality practices and provide quality supports to ECE providers.

**Staffing.** Licensing staff are employed by the state or territory to monitor and enforce licensing regulations in ECE programs. Though qualifications vary by locality, the majority require a bachelor's degree plus additional annual training. From 2011 to 2014, the average caseload for licensing staff decreased nationally from 103 programs to 97 (National Center on Early Childhood Quality Assurance, NCECQA, 2015a). Licensing staff qualifications and caseloads, among other factors, can affect licensing activities.

- **Hypothesis:** Staff with a degree in ECE, child development, or a related field have the knowledge they need to better support programs in providing high-quality care and education compared to staff without a degree in those areas.
- **Hypothesis:** Licensing staff with smaller caseloads spend more time providing TA to programs compared to staff with larger caseloads.

**Professional Development System for Organization Staff.** Professional development is important for ensuring that licensing staff have the knowledge and skills to do their job. Including research-based information about quality ECE practices helps ensure that staff remain up-to-date on best practices in providing high-quality ECE for young children.

- **Hypothesis:** Licensing staff whose professional development regularly includes research-based updates on quality ECE practices are better able to provide TA related to quality, including supporting compliance with licensing regulations.

**Communication.** Because licensing is only one part of a larger ECE system, licensing agency leaders and licensing staff need to communicate and collaborate with others (e.g., QRIS, Head Start) to support a strong ECE system. To support quality, the licensing unit has a system in place that facilitates regular communication and coordination among the licensing unit and other programs and agencies in the ECE system. This system ensures that licensing staff are knowledgeable of other programs that support ECE quality. It also ensures that licensing infractions that affect a provider's eligibility for funding (e.g., pre-K) are communicated quickly with the other relevant funders. Communication may include sharing data, making referrals, participating in cross-agency planning, or creating coordinated monitoring systems.

### Communication Between Licensing and QRIS

Starting in 2011, the licensing and QRIS units within Ohio's Department of Job and Family Services merged (see Maxwell, Sosinsky, Tout, & Hegseth, 2016.) Having licensing and QRIS staff in the same unit makes it easier to communicate about a range of issues, such as licensing violations that may affect QRIS participation and strategies for supporting quality

- **Hypothesis:** In states and territories with more communication across the monitoring staff from different programs (e.g., child care licensing, Child and Adult Care Food Programs, Head Start), monitoring staff will be more likely to have a shared understanding of the set of regulations that providers may be required to meet. There may also be mechanisms in place to support problem solving when monitoring requirements differ across programs. Finally, ECE providers will be more likely to receive consistent information and advice about meeting various regulations when there is stronger communication between licensing and other aspects of the ECE system.
- **Hypothesis:** In states and territories with more coordination among the various quality supports (e.g., coordinated monitoring, referrals to other types of TA, regular communication), ECE providers will be more likely to receive TA to address a specific need. ECE providers in QRIS will be more likely to maintain or improve their quality rating over time.

## Regulatory Management

**Statutory Provisions.** Each state or territory must pass legislation to identify the agency (or agencies) authorized to oversee licensing of ECE providers and to provide a framework for regulating ECE providers (NCCCQI, 2014a). The statute defines the types of providers who are required to be licensed and describes the responsibilities for implementing the law. The authorized agency then develops more detailed policies and procedures to implement the legal requirements. Licensing leaders may advocate for language in the law that clearly delineates the authority of the agency and addresses quality. This could include, for example, requiring multiple unannounced monitoring visits or offering TA as an enforcement option.

- **Hypothesis:** In states and territories with statutes that clearly establish child care licensing authority and responsibility, licensing staff are better able to enforce licensing requirements and support providers in meeting licensing standards.

**Standards Development.** Licensing regulations (sometimes referred to as standards) are set by states and territories and represent the baseline requirements for ECE programs to operate legally (NCECQA, 2015a). Licensing regulations include health and safety requirements and a range of other quality indicators, such as staff qualifications, group size, and adult-to-child ratios. States and territories vary on the content as well as the stringency of the licensing regulations. States and territories that include and enforce *more* licensing regulations related to quality—or *stricter* licensing regulations related to quality (e.g., higher staff qualifications)—communicate an expectation for quality ECE. We include in the appendix examples of how specific licensing regulations might influence quality practices and children’s development.

- **Hypothesis:** In states and territories that include and enforce more child care licensing regulations related to quality, licensing staff are more likely to attend to licensing regulations related to quality and to provide more support for quality practices above and beyond basic health and safety practices.
- **Hypothesis:** In states and territories that include and enforce stricter licensing regulations related to quality (e.g., directors required to have college courses in early care and education vs. minimal years of experience only), providers are more likely to provide higher quality ECE services.

**Programmatic Policy.** NARA best practices call for regular, comprehensive reviews of regulations and the development of procedures to ensure that the regulations are consistently enforced. Procedures may address the monitoring of programs and determination of compliance. State licensing units determine the monitoring strategies to implement, including the number and type of visits to programs by licensing staff. Monitoring can take different forms; for example, some states and territories use differential monitoring,<sup>9</sup> in which a smaller subset of regulations is monitored as a proxy for the complete set of regulations (NCCCQI, 2014b). States and territories vary in how they

<sup>9</sup> Differential monitoring is an approach to determining how often to monitor ECE providers or which standards to monitor. For more information, see Contemporary issues in licensing: Monitoring strategies for determining compliance—differential monitoring, risk assessment, and key indicators (NCCCQI, 2014b), available at <https://childcareta.acf.hhs.gov/resource/contemporary-issues-licensing-monitoring-strategies-determining-compliance-differential>

determine whether a program is compliant with licensing regulations and how compliance is linked to enforcement actions. Compliance history can determine the monitoring approach; for example, programs with a history of compliance may be monitored less frequently. Compliance determination may also involve weighting particular licensing regulations more than others (NCCCQI, 2014b).

- **Hypothesis:** When states and territories use differential monitoring, child care licensing staff are more likely to provide individualized TA to support ECE quality.
- **Hypothesis:** In states and territories that include a range of quality indicators when determining compliance, providers are more likely to attend to quality regulations and practices compared to providers in states and territories that include only health and safety indicators when determining compliance.
- **Hypothesis:** States and territories that regularly review research on child development and quality as part of their comprehensive review of licensing standards are more likely to include evidence-based indicators of quality in their licensing regulations.

**Legal Enforcement.** States and territories are responsible for enforcing licensing regulations in an equitable manner. Enforcement strategies for compliance with licensing regulations commonly include the suspension or termination of a license, immediate closure of a program, a conditional license, or fines. The most frequently imposed enforcement actions are fines, conditional licenses, and termination of licenses (NCCCQI, 2014c). TA can be an enforcement strategy for some infractions, and it may communicate an expectation of continuous quality improvement. The measurability of regulations also affects the ease with which staff can enforce the regulations (Gormley, 1991).

#### Technical Assistance as an Enforcement Action

The Georgia Department of Early Care and Education includes technical assistance as one of its licensing enforcement actions. By doing so, it communicates a value of continuous quality improvement.

- **Hypothesis:** In states and territories that enforce more licensing regulations related to quality (e.g., staff qualifications, ratios), providers are more likely to understand the importance of quality ECE and attend to quality regulations and practices.
- **Hypothesis:** In states and territories that have more regulations that are measurable, licensing staff are more consistent in determining violations and applying enforcement actions.

**Technical Assistance.** States and territories may provide TA to assist programs in reaching and maintaining licensing compliance. TA can occur during monitoring visits and through consultation activities. For example, licensing staff may provide TA during an inspection and assist program staff in making quality improvement plans. Licensing staff may also refer programs to receive TA from another organization such as the Child Care Resource and Referral (CCR&R) agency (NCCCQI, 2014c).

- **Hypothesis:** Providers may feel more supported if states and territories offer TA as the first action for lower-risk licensing violations, rather than another enforcement strategy such as a fine. Those providers who feel more supported may be more likely to improve their quality over time.

**Quality Assurance for Improvement and Control.** NARA best practice suggests that licensing units develop a quality assurance plan and periodically review data to identify strengths and weaknesses in the licensing system.

- **Hypothesis:** When licensing units implement quality assurance strategies (e.g., staff training, review of data, supervisor support), child care licensing staff are more likely to respond in similar ways to similar conditions (e.g., be more consistent in determining violations and assigning appropriate enforcement actions).

- **Hypothesis:** When licensing units regularly check inter-rater agreement among licensing staff in determining compliance and appropriate enforcement strategies, licensing staff are more likely to be consistent in supporting programs to meet licensing regulations. ECE providers are more likely to receive consistent information and view the licensing system as fair.

## Proposed Research Questions Regarding Licensing and Quality

The previous section of the brief identified specific hypotheses about how licensing components may support quality practices. There are also other broader research questions that need to be addressed to strengthen the field's understanding of the relationship between licensing and quality.<sup>10</sup> Examples of these questions are listed below. At this point in the field's development, basic descriptive studies would be useful for understanding how licensing supports quality; descriptive studies could also inform the design of more complex studies. Because most of the data needed to address these questions exists within states and territories—and varies across localities—ECE licensing leaders play an important role in driving the research focus and supporting the implementation of studies. The research questions listed below are organized into two categories: those best addressed within a single state or territory, and those requiring data across states and territories. The list is illustrative, not exhaustive; much research is needed in this area, and there may be several other questions of interest to state and territory leaders and researchers.

### Using CCDF to Support Research and Evaluation

In 2005, the Office of Child Care (OCC) provided guidance on how states, territories, and tribes can use CCDF funds for research purposes to improve child care assistance services (Regulations Regarding Use of CCDF Funds for Research and Evaluation, ACYF-PI-CC-05-02, 2005). CCDF represents a mixture of mandatory and discretionary federal and state funding administered by states to provide access to child care services for low-income working and other eligible families. States, territories, and tribes may use CCDF funds for research and evaluation purposes. Costs associated with research and evaluation may be considered administrative, non-direct (non-administrative), or quality expenditures depending on the nature of the study and, to some extent, grantee preference.

For more information about using CCDF for research activities, child care administrators can contact their regional program manager.

### Within-State or -Territory Research Questions

1. Are higher quality ECE programs (e.g., centers, family child care homes) more likely to have fewer licensing violations than lower quality programs?
2. Are higher quality programs more likely to have less serious licensing violations than lower quality programs?
3. Are lower quality programs more likely than higher quality programs to experience repeat licensing violations over time?
4. Are higher quality programs able to resolve licensing violations more quickly than lower quality programs?
5. Are ECE programs that consistently comply with licensing regulations more likely to participate in TA to improve quality practices?

<sup>10</sup> These questions were developed, in part, from discussions with the expert panel members for this project and members of the Early Childhood Quality Assurance Licensing Expert Panel.

6. In states and territories with QRIS, what aspects of licensing do ECE providers perceive as barriers or supports for participating in QRIS?
7. Are parents of children enrolled in licensed programs less stressed and less frequently absent from work compared to families of children who use unregulated care?
8. Are young children in licensed programs healthier and safer (e.g., fewer injuries, fewer deaths, more likely to have a medical home) than similar children in the general population? Are they healthier and safer than similar children in license-exempt programs?

## Cross-State or -Territory Research Questions

9. Are there different “profiles” of state and territory child care licensing systems, and, if so, are some profiles more likely to support higher quality among licensed ECE programs? Are there particular profiles that are more likely to support program improvement in QRIS ratings over time? High quality programs could be defined, for instance, as those receiving national accreditation or obtaining certain scores on observational measures of quality.
10. Do states and territories that include more licensing regulations related to quality indicators also invest more in quality improvement supports for licensed providers?
11. In states and territories with voluntary QRIS, is the percentage of licensed programs participating in QRIS higher in those states and territories that monitor and enforce licensing regulations related to quality in the classroom (not just basic health and safety)?
12. What system factors (e.g., availability of professional development) and program factors (e.g., director education level) support both child care licensing compliance and quality improvement? Are family child care providers more likely to be licensed or regulated in states and territories that offer greater financial supports (e.g., higher child care subsidy reimbursements, availability of grants for quality improvement)?
13. Do child care licensing staff in states and territories that include more (or stricter) licensing requirements related to quality spend more time and effort supporting program quality improvement compared to staff in other states and territories that do not include as many (or as strict) quality indicators?
14. In states and territories that coordinate licensing monitoring with other monitoring efforts, do licensing staff spend more time providing TA about quality practices compared to states and territories that do not coordinate monitoring?
15. What is the relationship between licensing requirements and the supply of licensed or regulated family child care? In states and territories in which regulated family child care has declined over time, what aspects of licensing are perceived as barriers or supports for former family child care providers who no longer serve children? Do these former family child care providers view licensing as a larger barrier in states and territories that have stricter licensing regulations or in those with fewer supports to become regulated?
16. What are the patterns of licensing violations in states and territories that have more stringent group size or staff-to-child ratio licensing requirements compared to places with less stringent group size or ratio requirements?

# The Availability of Licensing Data

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Most of the information about child care licensing exists at the state or territory level, and the type, amount, and format of licensing data collected varies from locality to locality. Thus, much of the research on licensing will need to be state- or territory-specific. However, there are a few national sources of licensing information that may be useful in answering some research questions. We briefly describe and provide links to these sources in this section.

[State Child Care Licensing Studies](#): The National Association of Regulatory Agencies, in partnership with the National Center on Child Care Quality Improvement (NCCCQI) and now the National Center for Early Childhood Quality Assurance (NCECQA), has conducted a 50-state study of child care licensing every three years since 2005. Based on the 2014 survey, NCCCQI has written [three briefs](#) that highlight trends in licensing for child care centers (NCECQA 2015a), family child care homes (NCECQA 2015b), and group child care homes (NCECQA 2015c). There is also a [data explorer tool](#) that allows individuals to view state licensing profiles. The [Child Care & Early Education Research Connections](#) also houses the datasets of the state licensing studies from 2005, 2008, 2011, and 2014.

The [National Database of Child Care Licensing Regulations](#), developed by NCECQA, allows individuals to search for state- or territory-specific licensing regulations. Users select a state or territory and can then view the licensing agency name and contact information, links to licensing regulations, as well as links to additional standards. The information in these links would need to be reviewed and coded for research purposes, but the database provides an easy-to-use tool to quickly find relevant licensing documents for individual states or territories.

The [Guide to Support States and Territories' Use of Child Care Licensing Data](#), developed by NCECQA, describes various uses of licensing data and includes tables of licensing data elements that are either required to be collected in the CCDF regulation or might be useful for states and territories to collect.

## Next Steps

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We need more research to understand the complex relationship between licensing and quality, and we hope that this framework informs the research agenda for state ECE leaders as well as federal leaders. We propose some next steps to continue building the evidence on this important issue.

1. Although there is some cross-state and territory information about licensing practices, we need more information about licensing systems and their relationships to program quality. Basic descriptive studies or case studies could help us understand current practice and develop additional research questions and testable research hypotheses. Some studies could use administrative data while others would require new data collection. Qualitative studies could help identify key issues such as views of licensing among ECE providers, both those within and outside the licensing system.
2. We hope that early childhood leaders and researchers will discuss the framework proposed in this brief and conduct studies or analyze existing data to test various aspects of the model. This additional research will help not only to refine the framework but also to build our understanding of how licensing supports quality ECE practice.
3. It would be useful for researchers to partner with a few states or territories that are interested in using administrative data or want to conduct small studies on this topic. These small projects could not only examine how licensing might support quality but also identify challenges and possible solutions to using state or territory data to address research questions like the ones proposed in this brief. This effort could lead to the design of more rigorous studies about the relationship between licensing and quality.

4. We encourage researchers to look for opportunities to either add licensing information to their data collection efforts or link licensing data with other research data to help address some of the questions about licensing and quality. QRIS researchers, for example, could include information about licensing violations and compliance history as part of their study so that datasets might include information on both licensing and program quality.
5. Building the evidence base around licensing and quality requires a strong partnership between licensing administrators and researchers. We encourage a partnership approach to tackling these next steps and implementing research in this important area.

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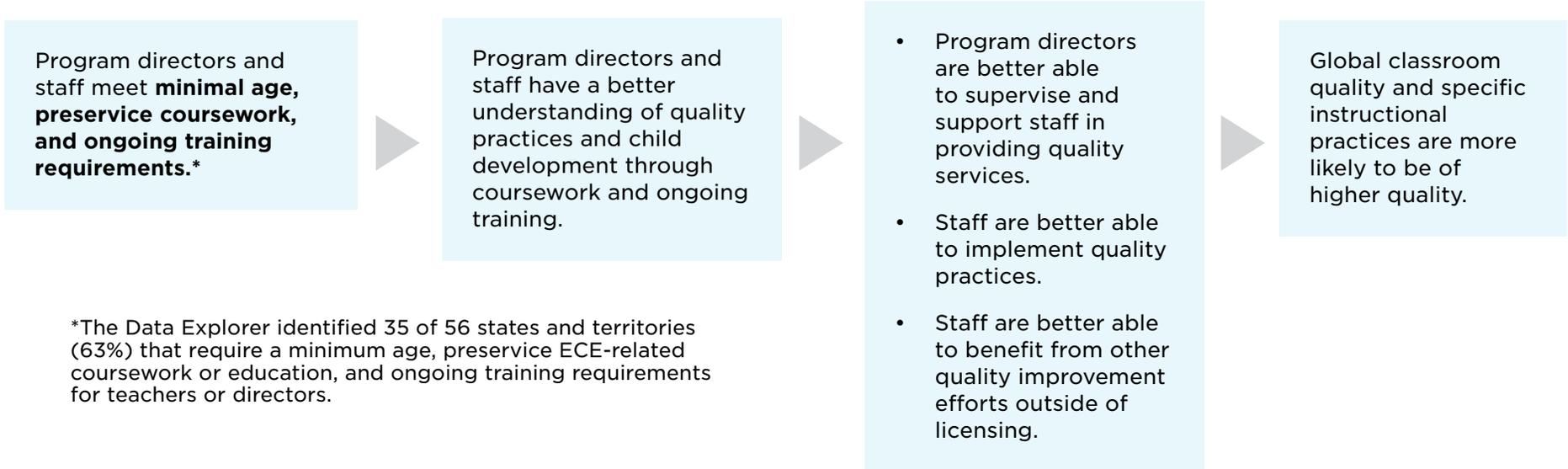
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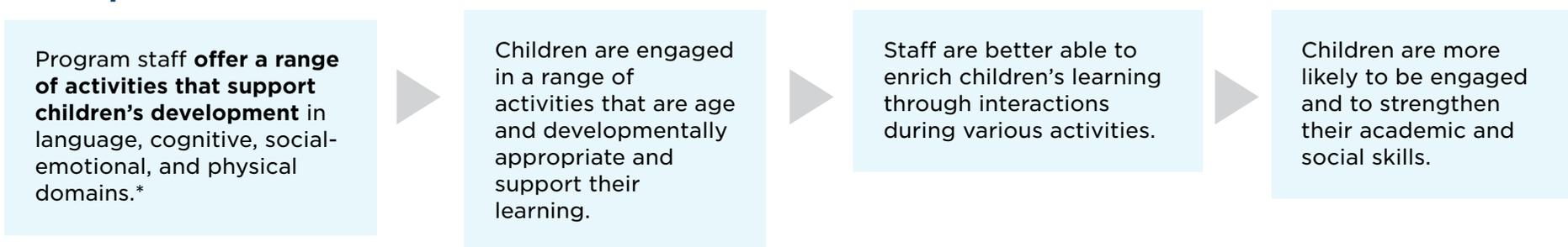
# Appendix

We provide below three examples of how specific licensing regulations may support aspects of quality. We acknowledge the importance of other parts of the system (e.g., TA, program director commitment to quality) in supporting high-quality practices.

## Example 1

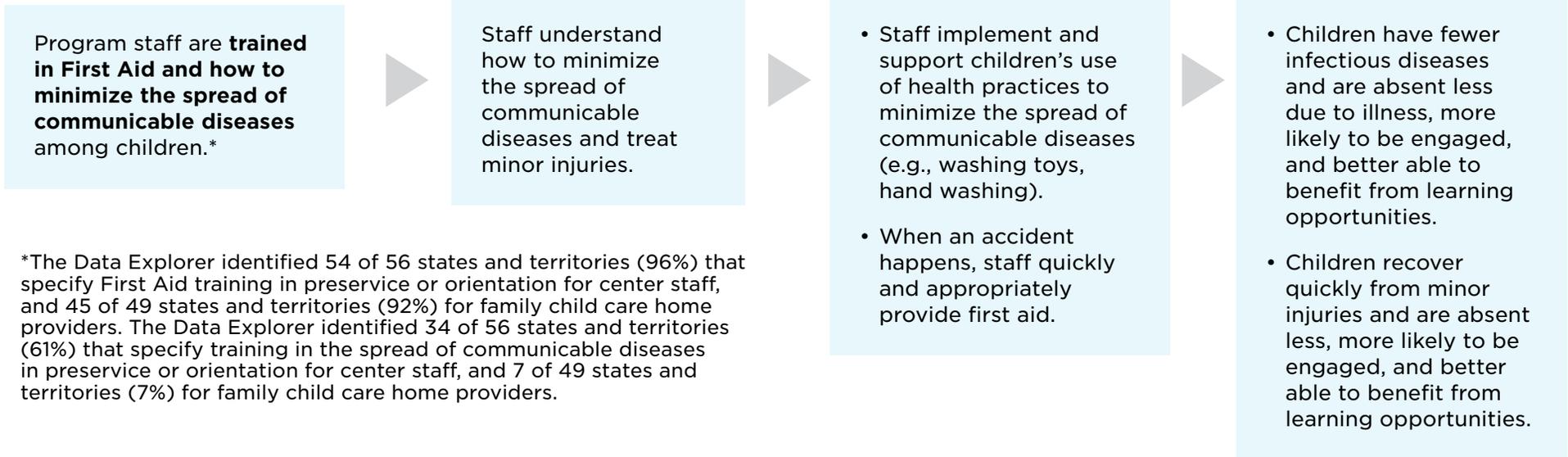


## Example 2



\*The Data Explorer identified 27 of 56 states and territories (48%) that specify licensing in all four developmental domains to be addressed in activities in centers. The Data Explorer identified 16 of 49 states and territories (33%) that specify licensing in all four developmental domains to be addressed in activities in family child care homes.

### Example 3



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