Comparison of Indiana’s Child Care Licensing and Registration Requirements
to the
National Health and Safety Performance Standards:
Guidelines for Out-of-Home Child Care Programs

July 2000

Report created by
Patricia Cole
Project Coordinator
Healthy Child Care Indiana
Indiana Institute on Disability and Community
at Indiana University-Bloomington

This project was completed with federal funding from Healthy Child Care Indiana-
A Health Systems Development in Child Care Grantee awarded to
The Indiana Parent Information Network (IPIN), 4 H24 MC000029-03.
Additional support was provided by Indiana University Institute on Disability and Community.

The information presented does not necessarily reflect the position or policy of the funders, IPIN,
or the Trustees of Indiana University, and no official endorsement should be inferred.

Information contained in this report is available in alternative formats.
Purpose

Healthy Child Care Indiana is a collaborative project between agencies and organizations involved in child care issues that affect the health, safety and age-appropriateness of out-of-home child care environments for all children in Indiana. This report fulfills one objective of the 1999 Healthy Child Care Indiana grant, designed to raise the awareness of key Indiana leaders as to the degree Indiana’s child care regulations reflect National Health and Safety Performance Standards for Out-of-Home Child Care Programs, developed by the U.S. Department of Health and Human Services-Maternal and Child Health Bureau.

The National Health and Safety Performance Standards (National Standards) were developed to identify those standards most needed for the prevention of injury, morbidity, and mortality in child care settings.

The definition of child care according to Indiana Law is “a service that provides for the care, health, safety, and supervision of a child’s social, emotional, and education growth.”

According to information published in the Seek and Demand brochures, published by the Indiana Family Social Service Administration, being licensed or registered means “the facility has met minimum standards for health and safety set by state law.”

Methodology

Documents used to complete this study included:

- Caring for Our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care Programs;
- Stepping Stones to Using Caring for our Children: National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care, (National Standards); and
- All official regulation documents applicable to child care facilities operating in Indiana (appendix).

Additional activities to increase understanding of requirements for licensure or registration included:

- Attendance at State sanctioned orientation training for child care centers;
- Attendance at State sanctioned orientation training for child care homes; and
- Conversations with licensing consultants and state level staff.

The items listed in the National Standards were compared to Indiana’s rules and regulations governing child care using the definitions of the types of care provided by the National Standards. The term out-of-home child care is defined as child care provided in a setting other than the child’s permanent residence. The National Health and Safety Performance standards have application only to three types of settings:

- Center – a facility that provides care and education for any number of children in a non-residential setting;
• Large family child-care home – usually offers care and education for seven to 12 children (including preschool children of the caregiver) in the home of the caregiver; and

• Small family child-care home – usually offers care and education for one to six children (including preschool children of the caregiver) in the home of the caregiver.

For this study, child care center licensing requirements and day care ministries registration requirements in Indiana were rated using the National Standards for centers. Indiana law recognizes child care ministries as child care operated by a church or religious organization that is exempt from federal taxation under Section 501c3 of the Internal Revenue Code. The religious organizations may choose not to become licensed and then must register as a child care ministry. According to “Seeking quality in licensed child care centers”, published by Indiana’s Family Social Service Administration, a child care center is a building where child care services are provided for more than 10 consecutive work days. Child care homes were rated using the National Standards for large family child care homes. Child care homes in Indiana are license exempt until they provide care for six or more unrelated children. Homes are licensed for 6 to twelve children, prompting the utilization of the large family child-care home standards.

Standards were individually compared to the licensing requirements for the three types of regulated care: centers, child care homes, and day care ministries. A degree of agreement scale was used that had been developed and used in a study of the intent of child care regulation in five other states. The scoring was defined as follows:

1 - No mention or some mention of National Standard with no elaboration
2 - Includes intent of National Standard, plus mention of some criteria
3 - Includes intent of National Standard, plus elaboration of criteria
4 – Includes all criteria of the National Standard

A score was assigned to each National Standard indicating the degree of agreement between the National Standard and the licensure or registration requirements.

Legislation governing licensure contains both regulations and standards. This is common in all states that regulate human care services. Regulations are clearly defined and apply to all situations equally, “a minimum of 35 square feet per child must be provided for indoor play.” Enforcement of regulations is blind to circumstances. Standards provide guidance without specifics, “age-appropriate activities shall be provided.” The interpretation and enforcement of the standards may vary between licensing consultants depending on their early childhood education philosophy, training, and experience. The extremely limited written guidance on interpretation of standards existing for center regulations in Indiana was used. No guidelines for standards exist in Indiana for day care ministries or child care homes. No assumptions were made on the part of the author about the standards. Scores were based solely on the language contained in the licensing or registration documents.

Results from the comparison of the National Standards and the requirements for licensure of centers and child care homes and registration for day care ministries in Indiana were analyzed in two ways.
The first method of analysis used the five *major areas* delineated in the National Standards:

- Building and Premises: Equipment Safety and Practices;
- Other Safety Policies and Practices;
- Promoting Healthy Development: Policies/Practices/Staff Training;
- Infection Control; and

The percentage of Standards scoring 3 or above was calculated. The chart on page nine shows the results of this method.

The second method involved determining the extent to which the National Standards were included in licensing and registration requirements by *topic*. This comparison provided the opportunity to look at areas more clearly aligned with the way regulations are written. *Topics* include:

- Staffing;
- Program: Activities for Healthy Development;
- Program: Health Protection and Health Promotion;
- Nutrition and Food Service;
- Facilities, Supplies, Equipment and Transportation;
- Infectious Disease;
- Children with Special Needs;
- Administration; and

The chart on page 10 shows the percentages of National Standards included in the requirements for licensure or registration in Indiana at 3 or higher level by *topic* area.

**Findings**

**Centers**

The comparison of licensing requirements to the five *major areas* outlined by the National Standards indicates that overall, 62% of the National Standards are addressed in Indiana’s child care center licensure requirements at this time. The *area* with the most agreement between the National Standards and licensing requirements is Infection Control (77%). In addition, many of the National Standards in the Building and Premises: Equipment and Safety Practices *area* are also addressed in licensing requirements Indiana’s child care centers (68%).

Infection control in the National Standards covers hand washing, diapering, food safety, and sanitation. In all of these areas there is a high degree of agreement between the National Standards and licensure requirements for centers in Indiana.

The National Standards included in Building and Premises: Equipment and Safety Practices are access/exits, play areas/equipment, environmental hazards, toxic substances, and pest control.
Indiana recently adopted guidelines for playground safety from the U.S. Consumer Product Safety Commission’s *Handbook for Public Playground Safety* for the standard addressing outdoor play areas. The adoption of this document as a guideline dramatically affected the number of National Standards for playground safety addressed at a 3 or higher rating. Indiana’s regulations related to building access and exits to ensure safe passage from the building in case of emergencies, as well as access for persons with special needs are also in strong agreement with National Standards. Cleaning and sanitation practices outlined in regulation clearly follow the National Standards and serve to decrease the likelihood of the spread of infection.

Included least frequently of all *areas*, with half of the National Standards addressed at a 3 or higher level, were items in the Reportable Communicable Diseases: Policies and Practices National Standards *area*. Items in this section refer to policies around handling children with gastrointestinal infections and policies for notification of parents of children infected with HIV and staff infected with HIV when contagious diseases present in the child care population poses a serious health threat. Additionally, National Standards about the existence of policies about inclusion and exclusion from care because of illness, a facility plan for care of ill children and staff, and a referral policy for children with persistent pain, or other symptoms of parasitic infection, are not included in Indiana’s child care center requirements for licensure at a 3 or higher level. All of these standards serve to increase the level of wellness of children and staffs in child care centers through decreased risk to health threats and timely referral to medical services for children in need of them.

Comparison of Indiana’s licensing requirements for child care centers to the nine *topics* defined by the National Standards shows strong agreement, 70% or above, in three areas.

In the Management Plan and Statement of Services *topic area*, requirements for children’s immunizations, children’s health records, and general information records for children closely mirror the National Standard (75%).

Requirements for food safety, kitchen sanitation, and regulations around infant feeding issues and eating patterns are in strong agreement with the National Standards in the Nutrition and Food Service topic area (74%).

The education requirements for staff, the satisfactory completion of a criminal history check, and required training in CPR, first aid, and blood borne pathogens provide the strong agreement in the Staffing topic comparison (72%).

Indiana’s requirements for medication administration and storage, with the exception of criteria related to over-the-counter medications, are written exactly like the National Standards. Requirements for cleaning and sanitation of bathroom facilities, indoor surfaces, and toys also mirror the National Standard. Additionally, requirements for training about child abuse recognition and reporting to authorities compare at the 4 level.

The *topic area* receiving the lowest score for center based care in Indiana was Program: Activities for Healthy Development (38%). Parent-staff communication is addressed with very little detail in Indiana’s licensing requirements. National Standards suggest a plan for daily sharing of information, regularly scheduled and planned communication between staff and parents, a designated staff member to be a parent contact for each child, and planned parent participation in the on-going program. The National Standards delineating minimum age of enrollment and designation of a primary caregiver for infants are not addressed in the requirements for licensure.

Licensure requirements for child care centers are the most closely aligned with the National Standards of the three types of regulated child care in Indiana.
Overall 32% of the National Standards for large family child care homes are addressed at the 3 or higher level by the licensing requirements for child care homes in Indiana.

Occupational Safety and Health Administration (OSHA), Indiana Occupational Safety and Health Administration (IOSHA), and Indiana Department of Environmental Management (IDEM), regulations apply to child care home settings. While many of these regulations exceed the licensing requirements, currently home child care providers pursuing licensure are not provided the regulations. Additionally, there is no system in place to check for compliance with the environmental regulations. Education about, and enforcement of, OSHA, IOSHA and IDEM regulations would increase the number of National Standards addressed effectively by licensure requirements. Guidelines for utilization of pest control as well as usage and storage of potentially toxic substances are part of the OSHA and IDEM regulations currently not receiving attention.

Items within some of the areas did show strong agreement between child care home license requirements in Indiana and National Standards, but there were few. Regulations for hand washing, medication administration and storage, facility licensing, staff training in first aid, and blood borne pathogens, closely match the National Standards.

There is a striking lack of mention of playground safety in child care home licensing regulations, yet there is a requirement in Indiana for outdoor activity each day for children enrolled in a licensed home child care. Additionally there is no requirement in Indiana for reports of injury sustained in child care homes.

Comparison of child care licensing requirements and National Standards using the topic method also indicated that the majority of the National Standards are not addressed in the licensing requirements for child care homes in Indiana. The highest number of National Standards with a 3 or higher rating at 56% was in the Infectious Disease area. This is the only topic area that had the same measure of agreement for both child care centers and child care homes. This is a result of some of the requirements being set forth by Indiana Public Health Laws.

In many cases, little or no mention of the National Standard criteria was found to exist in Indiana’s current licensure requirements for child care homes. Health and safety issues having little or no mention include cleaning and sanitation of the facility and equipment, parent-staff communication, developmentally appropriate practices, developmentally appropriate nutrition practices, guidelines for diapering and diapering area guidelines, food safety and sanitation, and care and exclusion of ill children. All of these are critical to the physical, emotional, and cognitive growth of children.

Child:staff ratio and group sizes are addressed in Indiana’s child care home licensing requirements but the allowable numbers far exceed the recommended levels. The child:staff ratios and group sizes currently allowed under Indiana law could result in serious harm to children from lack of adequate supervision.
Child Care Ministries in Indiana are currently only required to be registered, regardless of the number of children enrolled or the type of physical structure the program utilizes. Child care programs operated by a religious organization with a 501(c) 3 status are exempt from licensing requirements for child care centers.

Less than 25% of the National Standards are included in the registration requirements for child care ministries in Indiana. The major areas of agreement are those governed by OSHA, IOSHA and IDEM regulations; blood borne pathogen education and procedures and hand washing practices.

Only 32% of the National Standards for Building and Premises: Equipment, Safety and Practices are addressed through the registration process. These National Standards address the environmental conditions inside and outside the facility. Failure to regulate heating and ventilation, play areas and equipment, building exits, and toxic substances poses a serious health risk to children cared for in these settings.

Less than 10% of the National Standards in the area of Promoting Healthy Development: Policies/Practices/ and Staff Training are met at a level of 3 or above for registered child care ministries in Indiana. The critical areas not addressed by registration include child:staff ratio, group size, staff health, staff qualifications, staff education, developmentally appropriate practices, developmentally appropriate nutrition practices, and medication administration and storage. These standards are core for the provision of a safe and healthy environment.

None of the National Standards are addressed at a level of 3 or greater in three areas: Program: Activities for Healthy Development, Children with Special Needs, and Management Plan and Statement of Services. In reality, few of the National Standards are included in any way in the registration requirements for child care ministries in Indiana.

The Licensing Division of the Bureau of Child Development in Indiana does offer the opportunity for child care ministries to apply for up to four certificates beyond registration. The certificates are in the following areas: Health, Safety, Nutrition, and Infant/Toddler. These certificates were modeled after some of the child care center requirements. However, meeting the requirements of all four certificates does not significantly affect the number of National Standards addressed at a 3 or higher level.

Summary

Based on the findings of this study, Indiana’s current requirements for licensure for centers and child care homes and registration of child care ministries fail to adequately protect the health and safety of children in out-of-home child care.

There are three additional factors not addressed in this study that indicate the children enrolled in out-of-home child care in Indiana may be at even greater risk of injury or illness than shown here. The factors not addressed by this study are: scope of application of licensure and registration requirements, rules and regulations verbiage, and the enforcement of the licensure and registration requirements.

Only three out-of-home child care environments are regulated in Indiana. There are currently 9 types of child care, plus preschools, that operate legally without mandated minimums for health or safety. There is no accurate count of the number of children served by these providers.
According to the Indiana Family Social Services Administration in 1999, there were 94,000 regulated slots for child care to serve the estimated 678,000 children that needed care. Serious consideration should be given to the state’s role in ensuring all pre-school age children in Indiana have a healthy and safe environment when attending out-of-home child care.

Determining the numbers of children in each type of regulated care in Indiana is also critical to the health and safety of children in out-of-home care. According to 1999 data from the Indiana Family Social Service Administration, children enrolled in regulated out-of-home child care are six times more likely to be cared for in a licensed home or ministry than in a center. The failure of current requirements for the most frequently used types of out-of-home care to compare favorably with the National Standards indicates a need to seriously upgrade the requirements to ensure children a safe and healthy out-of-home child care environment. Utilization of the National Health and Safety Standards in the development and refinement of licensing and registration requirements should become standard practice.

Development of guidelines for all standards currently included in licensing and registration requirements in Indiana would provide clarification not only for those involved in enforcement, but also for those responsible for managing out-of-home child care facilities. Further, training and assessment on the application of these guidelines by licensing personnel is critical to enforcement of, and consistency in, the provision of safe and healthy environments for Indiana’s most vulnerable citizens.

Provision of training about the National Health and Safety Standards for state policy makers, licensing staff, out-of-home child care providers, and parents would create a heightened sense of awareness of health and safety issues in out-of-home child care. This training could be provided at professional conferences and in-services throughout the state.

Further study is needed to examine the consequences of weak agreements between Indiana’s licensure and registration requirements and the National Health and Safety Standards in terms of accidents and illnesses resulting from an out-of-home child care experience. Compilation of this data may be necessary to drive the change in not only the licensing requirements for currently regulated care, but also the need to broaden the scope of licensure and tighten the enforcement of licensing requirements.

Enforcement of Indiana’s existing licensure and registration requirements is limited by funds to support hiring of licensing personnel, guidelines for pursuing legal action for failure to comply, and creation and enforcement of severe penalties for endangering the health and safety of young children. Adequate funding to increase the number of skilled licensing personnel is critical to providing monitoring that ensures minimum compliance. Creation of, and enforcement of, procedures and penalties to effectively change or close down out-of-home child care environments failing to meet the minimum requirements will send an important message about the value of safe, healthy and age appropriate environments for Indiana’s children.

Acknowledging that while health and safety issues are critical to quality child care, they are not the only standard for quality we should be concerned with in Indiana. Further study of out-of-home child care settings, utilizing standardized instruments to measure other identified quality components, is necessary to develop a clearer picture of the status of the overall quality of out-of-home child care in Indiana.
Comparison of Indiana’s Licensure Requirements to National Health and Safety Standards for Out-of-Home Child Care

- Building and Premises: Equipment Safety and Practices
- Other Safety Policies and Practices
- Promoting Healthy Development: Policies/Practices/Staff Training
- Infection Control
- Reportable Communicable Diseases: Policies and Practices

% of standards included in regs at 3 or higher:

- Centers
- Homes
- Ministries

Areas:

- Building and Premises: Equipment Safety and Practices (Centers: 68%, Homes: 37%, Ministries: 32%)
- Other Safety Policies and Practices (Centers: 57%, Homes: 40%, Ministries: 17%)
- Promoting Healthy Development: Policies/Practices/Staff Training (Centers: 60%, Homes: 28%, Ministries: 8%)
- Infection Control (Centers: 77%, Homes: 29%, Ministries: 36%)
- Reportable Communicable Diseases: Policies and Practices (Centers: 50%, Homes: 27%, Ministries: 9%)
Comparison of Indiana’s Child Care Regulations to National Safety Performance Standards for Out-of-Home Child Care

<table>
<thead>
<tr>
<th>Category</th>
<th>Centers</th>
<th>Homes</th>
<th>Ministries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
<td>74</td>
<td>67</td>
<td>75</td>
</tr>
<tr>
<td>Program: Activities for Learning</td>
<td>70</td>
<td>57</td>
<td>50</td>
</tr>
<tr>
<td>Program: Health Promotion</td>
<td>49</td>
<td>46</td>
<td>33</td>
</tr>
<tr>
<td>Nutrition and Food Service</td>
<td>40</td>
<td>36</td>
<td>31</td>
</tr>
<tr>
<td>Facilities, Supplies, Equipment</td>
<td>17</td>
<td>16</td>
<td>19</td>
</tr>
<tr>
<td>Infectional Disease</td>
<td>19</td>
<td>34</td>
<td>33</td>
</tr>
<tr>
<td>Child Care with Special Needs</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

% of standards included in higher levels of care
Appendix

Regulation Documents Applicable to Child Care Facilities in Indiana

Federal:  Title III of the Americans with Disabilities Act for Child Care Centers Indiana: Regulations for Licensing Day Nurseries (470) IAC 3-4.1 (12/85)

IDEM:  Protecting Children From Environmental Threats: Guidance for Indiana’s Child Care Facilities


Indiana:  Code 410 Communicable Disease: Article 1 Rule 4: Universal Precautions (11/98)


Indiana:  Public Law 12

Indiana:  Regulations for Licensing Day Nurseries (470) IAC3-4.1 (12/85)

Indiana:  Regulations for Licensing Day Nurseries (470) IAC 3-4.2

Indiana:  Rule 4.5 Child Care Facilities; Registered Day Care Ministries (1996)

Indiana Title 410: Indiana State Board of Healthy Rule 2. Registered Day Care Ministries (10/88)

Indiana:  Title 470: Division of Family and Children: Rule 1.1 Child Care Homes (8/1/96)

Indiana Building Code for E-3 occupancy standards