



ARIZONA CHILD CARE ASSOCIATION

Position Statement on Proposed Changes to Licensing Regulations

March 11, 2008

THE CHILD CARE RULEMAKING PROCESS – DRAFT DUE APRIL 2008

The Department of Health Services (DHS) provides opportunities to discuss and make comments about draft rules. Given the significance and potential impact of regulatory changes that are being considered and now includes square footage, group size and ratios, ACCA seeks a much more realistic amount of time and additional resources be devoted by the State to assure a regulatory review process that is comprehensive, objective, and transparent.

DHS has already solicited the input of an array of stakeholder groups, including ACCA, on a rules package which contains possible changes to staff qualifications, training, program requirements, and the overall regulations. Hundreds of requirements were reviewed and many important changes that will improve health, safety, and quality are being considered.

A CHANGE IN TIMEFRAMES AND A NEW RULES PACKAGE

The DHS has recently accelerated the timeframe for implementation of the package of revisions. Given the length and complexity of the regulations, the need for thoughtful review, comment, and discussion, and the challenges of implementation by child care facilities, ACCA believes that the originally proposed timeframes are more realistic. Without having seen the final draft of the proposed changes, at this point, a targeted implementation date of nine to twelve months after the Department submits its final package is, at this point, more reasonable.

ACCA understands that the DHS is now preparing to explore a new rulemaking package that will address ratios, group size, and square footage requirements for child care facilities

THE COST OF QUALITY AND THE IMPACT OF PROPOSED CHANGES

Child care operators who are responsible for the care for children every day understand the importance of quality and how the number of teachers and children affect quality. Child care operators are acutely aware of the cost of providing quality, particularly given what parents can afford and what the State pays for low income and CPS families. ACCA is particularly concerned that changes to group size, ratios, and square footage could result in higher costs to parents, fewer children served, or both. Reducing the number of children that can be served in licensed facilities will result in staff layoffs and will force many parents into an underground, unregulated system of informal and potentially unsafe care.

ACCA is concerned about the reduction of the supply and availability of child care and the impact on all types of licensed facilities. Licensed child care includes small faith based centers, community based nonprofits, centers that take a large number of DES and low income children,

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homeless shelters, small business operators, and corporate facilities that meet the needs of tens of thousands of families daily. Child care operators have raised funds, obtained personal loans, and made large investments to finance costly renovations and construction in reliance on specifications in the current regulations. Communities and operators should not be penalized for their past compliance by an abrupt departure from previous standards.

REGULATION ONLY ONE PART OF QUALITY IMPROVEMENT

ACCA believes that any proposed regulatory changes of this magnitude should be part of an overall comprehensive, strategic effort encompassing all child care settings, including home-based care. The plan should acknowledge that licensed centers already comply with county health department requirements and local fire and building codes, and should include incentives for improvement. Changes to square footage, ratios, or group size could be evaluated after the financial assistance, capacity building, technical assistance, and other resources are fully available under First Things First and that these supports have had a chance to make measurable impacts on the quality of care. In addition, these types of regulatory changes should be linked to significantly increased funding, to current market rates for children funded by the DES subsidy.

There are many other meaningful regulatory changes that should be pursued to improve the health and safety of children in child care. Resources are necessary for more timely and effective licensing and enforcement of the current requirements. Licensed day care group homes are not subject to the CPS clearances required by DES to care for fewer children, and providers in the business of caring for four or fewer children are not required to meet any health and safety standards.

PROCESS SHOULD BE OPEN AND INCLUDE INDEPENDENT RESEARCH

If rule making for group size, ratios, and square footage proceeds, the impact of the first rules package on staffing and programs must be known and evaluated. If pursued, the new process should begin after the first and not with overlapping timeframes.

The new rule drafting process must be an open and unbiased review, without any forgone conclusions. The process must include: 1) data collection, by facility, on the current number of children served, actual ratios of staff, and the size of groups of children served, 2) an independent study on the financial, supply, and other impacts to parents, providers, and the State, 3) research on options to minimize the negative impacts, 4) advance notification to all licensed facilities with a variety of methods and opportunities to provide input throughout the process, and 5) work groups or committees that have full and proportionate representation of private licensed facilities. To be successful, this process will require sufficient dedicated resources.

THE ROLE OF REGULATION

As a professional association of licensed child care facilities, ACCA understands the importance of an effective regulatory system for children, parents, and providers. We value our relationship with the State and look forward to reviewing the upcoming drafts, providing comments, and continuing to work on realistic regulations that make meaningful and achievable improvements for the health, safety, and development of children in Arizona.