



# Indiana Early Learning Advisory Committee

Indiana Government Center South  
402 W Washington St.  
Indianapolis, IN

April 30, 2024  
1:00 PM

# Meeting Agenda

- ▶ Call to Order
- ▶ Approval of Agenda
- ▶ Chair's Report
- ▶ Third Party Regulatory Review
- ▶ Public Comment
- ▶ Vote
- ▶ Adjournment



# Indiana's Early Learning Policy Priorities

- Ensuring Hoosier children – especially vulnerable children – have access to early learning opportunities capable of preparing them with the foundational skills needed to thrive in kindergarten and beyond.
- Ensuring Hoosier families have convenient access to reliable and effective early learning opportunities that facilitate participation in the labor force.

## **ELAC Roadmap: Modernize the statutory and regulatory environment, in tandem, to:**

1. Seek simplicity, coherence and alignment to goals;
2. Solve safety, quality, access and similar barriers to desired results
3. Recognize and eliminate areas of undue burden (documentation, restrictions, processes);
4. Reconcile requirements across different provider types to eliminate inequities and reduce barriers to access; and
5. Enable waivers to regulations impeding providers' effectiveness and sustainability.



# Available System Levers

Lever	General Purpose
Regulations	Protect the well-being of children who attend child care
Quality Rating and Improvement System	Support/incentivize the achievement of learning and development outcomes for children who attend child care and provide families with information about program choices
Public Subsidies	Encourage and support family and provider choices toward achieving both public policy goals
Public Workforce Investments	Support efforts to build a workforce capable of simultaneously achieving both public policy goals
OECOSL Operations	Enable efficient execution of regulations, quality rating and improvement, subsidy distribution and public workforce investments in support of both public policy goals

# Our Starting Point: Related Findings of the Interim Study Committee

- Child care is an **essential infrastructure** component for a 21st Century economy.
- Despite the tremendous efforts of providers and the intentions of all stakeholders of the system, Indiana's child care system is **not working** for children, families, child care providers, or employers.
- Indiana families **struggle to access affordable care** of any kind for their children. Access and affordability are problems in every county in the state.
- Child care providers face challenges in attracting and retaining a qualified workforce—often because of comparatively low wages and challenging work environments—and **navigating a complex, sometimes contradictory, regulatory environment** with respect to licensing, funding, standards, and safety. This impacts the ability of many providers to operate at full capacity, further limiting access to child care in many communities. The connection between access and affordability is clear, and both rest on the ability of child care providers to attract and retain a qualified child care workforce.

# Legislative Charge

**Not later than May 1, 2024, commission a third-party evaluation to assess existing regulations for child care providers and provide recommendations to:**

- (A) maintain health and safety standards;
- (B) streamline administrative burdens, program standards, and reporting requirements for child care providers;
- (C) provide flexibility for a child care provider with a Level 3 or Level 4 paths to QUALITY program rating to expand to other locations; and
- (D) assist accredited kindergarten through grade 12 institutions in establishing and providing high quality onsite child care and early learning programs.

This subdivision expires May 1, 2024.

# Guiding Questions Taken from the Charge

1

How can we make Indiana's licensing regulations significantly more streamlined and efficient?

2

How do we ensure that the recommendations offered are based on current research and best practice?

3

With significantly streamlined standards, how does it impact the need for multiple sets of standards?

# Methodology: How the Recommendations Were Derived

## Document Review

- *Summary of Efforts to Support Regulatory Planning and Updates (January 2024)*
  - Indiana Licensing Work Group summary report and supporting documents
- Child Care and Development Fund federal licensing requirements
- National Association for Regulatory Administration documents
- Administration for Children and Families 's *Caring for Our Children Basics* (Third Edition)

## Literature Review

- Research on different areas of health and safety including screen time, etc.
- State licensing database, monitoring and enforcement resources, etc.

## Review of Other States' Approaches

- Definitions, regulations, process
- Trends in regulatory changes

## Stakeholder Input

- Interviews with licensing staff and other key stakeholders
- Statewide stakeholder discussions
- Note: Licensing workgroup summarized a year of stakeholder input

## Analysis of Current Regulations



# The Non-Negotiables of Licensing: Federal Requirements

## State licensing must:

Set minimum age, education qualifications, and training for staff

Establish classroom staff-to-child ratios and maximum group size

Required training

- *Infant and child first aid and CPR; Prevention and control of infectious diseases, including immunizations*
- *Safe sleep/SIDS prevention; Shaken Baby Syndrome and Head Trauma*
- *Recognition, reporting, and prevention of child abuse and neglect; Medication administration, consistent with standards for parental consent*
- *Emergency preparedness including natural disaster or on-site violence; Handling and storage of hazardous materials and bio contaminants*
- *Indoor and outdoor safety; Safety when transporting children; Prevention and response to emergencies caused by food*
- *Child development*

Licensing exemptions

## **Federal law requires the following background checks be conducted for each child care staff member**

- Federal FBI criminal history check using fingerprints
- Search of the National Crime Information Center Sex Offender registry
- Search of state registries/databases from each state where the individual has lived in the last five years
  - State criminal and sex offender registries
  - State child abuse and neglect registries

## **Must also address:**

- Policies, qualifications, and training for licensing inspectors
- Content of inspection reports and how inspection results are communicated
- Child abuse reporting requirements



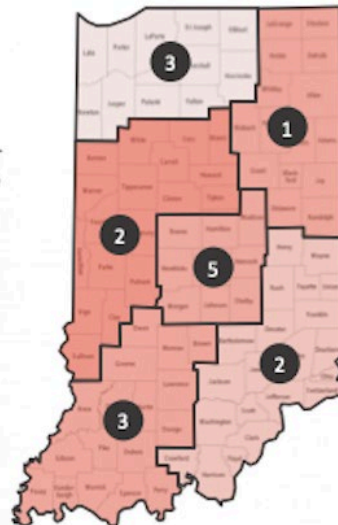
# Excerpts of Licensing Work Group Recommendations

- Review and revise all rules to consolidate (or reduce) the number of rules, remove contradictions, and ensure clarity
- Align minimum licensing standards across settings, establish[ing] one “small but powerful” core set of basic health safety standards that apply to ALL setting
- Reorganize the content of the standards so that it’s easier to follow and that rules are specific and clear
- Increase transparency around availability of waivers
- Stack higher quality standards established by Paths to QUALITY on top of minimum licensing

## Workgroup Participation

- ▶ Applications were scored by two individuals using a standard rubric.
- ▶ 16 applicants were selected to represent the diversity of Indiana’s early care and education system.
- ▶ Email communications have been sent to all accepted and declined providers.
- ▶ Providers not selected to participate will have ongoing opportunities to share feedback during Town Hall meetings and through ongoing surveys.

Gender	Race/Ethnicity	Program Type	Program Age
<b>14</b> Female	<b>6</b> Black or African American	<b>7</b> Licensed Center	<b>4</b> 0-5 Years
<b>2</b> Male	<b>10</b> White or Caucasian	<b>4</b> Licensed Family	<b>2</b> 5-10 Years
	<b>0</b> Other	<b>5</b> Unlicensed Ministry	<b>10</b> 10+ Years



- Allow providers flexibility to structure classrooms
- Allow high school graduates (18 years of age or older) to work independently
- Allow high school students to work as teachers in school-age child care programs

\*Please see Indiana Licensing Work Group Summary Report for full list of recommendations.

# Summary of Recent Targeted Stakeholder Input

While group discussions varied with the interests of attendees, general themes emerged across the state:

- Provide “equal protection for every child” regardless of setting, maintaining vigilance about “core” health and safety measures
- Build a cohesive structure that limits duplication or opportunities for conflicting information
- Consider the demand for greater child care supply while establishing necessary requirements, especially workforce-related
- Remove barriers to entry into the field wherever safe and appropriate
- Create a path for buildings that weren’t purpose-built to be used as child care settings
- Ensure consistent application of the rules, once established
- Inform family choices



# Guiding Principles for Recommendations

Based on these various inputs and discussions with State leaders, established the following principles that guided the recommendations:

- Compliance with federal laws, including CCDF
- Focus on the health and safety of children (the primary goal of licensing), relying on the quality rating system to set quality standards
- Ensure measures are observable, measurable, enforceable
- Simplicity and clarity
- Balance between benefits and burdens
- Informed by recommended practices
- Consistency/building upon Licensing Workgroup recommendations

# What the Recommendations Accomplish

- **Consolidate regulations into one set**, with limited distinctions by the number of children served and nature of the structure (residential or non-residential)
- **Streamline standards by focusing on health and safety**, and removing quality standards which will be covered in PTQ, **ensure measurable standards**
- Generally **maintain current ratio and group sizes**, with some modifications to create consistency and offer flexibility
- Establish **consistent expectations for staff**, ensuring that all caregivers are qualified with essential health and safety, classroom management and child development competencies and skills
- **Provide more flexibility in facilities**, creating a standard path and an opportunity to submit an alternative plan that meets the intention of the applicable regulation

# Consolidate into One Streamlined Set

Current State: Licensing rules cross multiple sections of administrative code, with requirements varying, sometimes dramatically, by provider type.

To provide families with a reasonable assurance of the health and safety of any licensed provider, the proposed recommendations establish:

- A consistent, streamlined standard of practice in most regulatory categories (e.g., staff qualifications, discipline guidance, feeding practices, etc.)
- Distinctions in a limited number of regulatory categories in which the number of children served (e.g., group sizes) or the type of structure (e.g., background checks for all individuals living in a residential setting, certain facilities requirements of a non-residential structure, etc.) require it
- Organization around a core, easier-to-follow and maintain outline, which incorporates other standards wherever possible (e.g., CACFP, fire code) and serves as the foundation (Level 1) to the proposed quality rating and improvement system

# Separate Health & Safety from Quality Standards

Current State: Licensing rules incorporate quality requirements such as the type and number of materials that must be present and the nature of interactions that must occur.

To prioritize health and safety standards, the recommendations:

- Establish a narrower, though comprehensive, set of standards that directly impact the health and safety of children
- Focus on current standards that are readily observable and measurable to minimize ambiguity
- Incorporate standards required by federal regulations
- Remove references to quality standards that will be governed by the quality rating and improvement system (e.g., required interactions in the event of separation anxiety)

# Maintain Current Ratio, Group Sizes and Space

Current State: Ratio requirements and group sizes vary by setting, are confusing, and do not provide the flexibility to maintain continuity of care.

To strengthen child safety while maintaining child care supply, the recommendations:

- Maintain current space per child requirements to prevent overcrowding and injuries.
- Generally maintain current family child care home ratios and group sizes for sites serving less than 16 children and current child care center ratios and group sizes for sites serving more than 16 children
- Strengthen the safety of very young children by limiting the number served in mixed age group settings when a very young child is present
- Provide greater flexibility in groupings during transitions to allow children to move as a cohort, when possible, and to eliminate the “13-month rule.”



# Ratio Comparison – Recommendation v. Homes

Recommended: Sites with less than 16 children with mixed ages	
Two children younger than 16 months	1:4
One child younger than 16 months	1:6
No children younger than 16 months	1:8
No children younger than 3	1:10
<p>In cases where a site with less than 16 children serves only one age grouping of children (e.g., three-year-olds) the site may choose to adhere to the single-aged ratios of larger sites.</p> <ul style="list-style-type: none"> <li>• 3-year-olds 1:10</li> <li>• 4-year-olds 1:12</li> <li>• 5-year-olds 1:15</li> </ul>	

Current (IAC 3-1.1-36.5)	
Type of Home	Child:Staff Ratio
Infant/Toddler Mixed (Birth–24 months)	1:4; or  1:6 if 2 of the 6 children at least 16 months of age and walking; otherwise
Mixed Age Groups (Birth–6 years)	1:10 No more than three (3) of the ten (10) children may be under sixteen (16) months of age and must be walking.
3 years and older (3-10 years)	1:12

# Recommendation Example 2: Staff-to-Child Ratios

<b>Justification</b>	Maximum staff-to-child ratios ensure appropriate levels of supervision and support can be provided to protect the safety and well-being of children in a child care program.																																
<b>Recommendations</b>	<p>I. Create consistent adult-to child ratio requirements by: (1) creating two classes of sites based on size that adhere to the following ratios:</p> <table border="1" data-bbox="631 492 1931 871"> <thead> <tr> <th colspan="2" data-bbox="639 496 1314 529"><b>Ratios</b></th> <th colspan="2" data-bbox="1314 496 1923 529"></th> </tr> <tr> <th colspan="2" data-bbox="639 529 1314 596"><b>Sites with less than 16 children with mixed ages</b></th> <th colspan="2" data-bbox="1314 529 1923 596"><b>Sites with more than 16 children with single-age classrooms</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="639 596 1212 639">Two children younger than 16 months</td> <td data-bbox="1212 596 1314 639">1:4</td> <td data-bbox="1314 596 1633 639">0-12 months</td> <td data-bbox="1633 596 1923 639">1:4</td> </tr> <tr> <td data-bbox="639 639 1212 682">One child younger than 16 months</td> <td data-bbox="1212 639 1314 682">1:6</td> <td data-bbox="1314 639 1633 682">13-23 months</td> <td data-bbox="1633 639 1923 682">1:5</td> </tr> <tr> <td data-bbox="639 682 1212 725">No children younger than 16 months</td> <td data-bbox="1212 682 1314 725">1:8</td> <td data-bbox="1314 682 1633 725">24-35 months</td> <td data-bbox="1633 682 1923 725">1:5</td> </tr> <tr> <td data-bbox="639 725 1212 768">No children younger than 3</td> <td data-bbox="1212 725 1314 768">1:10</td> <td data-bbox="1314 725 1633 768">3-year-olds</td> <td data-bbox="1633 725 1923 768">1:10</td> </tr> <tr> <td data-bbox="639 768 1212 811"></td> <td data-bbox="1212 768 1314 811"></td> <td data-bbox="1314 768 1633 811">4-year-olds</td> <td data-bbox="1633 768 1923 811">1:12</td> </tr> <tr> <td data-bbox="639 811 1212 853"></td> <td data-bbox="1212 811 1314 853"></td> <td data-bbox="1314 811 1633 853">5-year-olds</td> <td data-bbox="1633 811 1923 853">1:15</td> </tr> </tbody> </table> <p>(2) Staff-to-child ratio must be maintained at all times, (3) Only adults who "are responsible for and directly engaged in supervision and implementing activities for children" should be counted in the ratios, and (4) all children in the program who require supervision by an adult, regardless of whether they are related to the caregiver, should be included in the ratio count of children.</p>	<b>Ratios</b>				<b>Sites with less than 16 children with mixed ages</b>		<b>Sites with more than 16 children with single-age classrooms</b>		Two children younger than 16 months	1:4	0-12 months	1:4	One child younger than 16 months	1:6	13-23 months	1:5	No children younger than 16 months	1:8	24-35 months	1:5	No children younger than 3	1:10	3-year-olds	1:10			4-year-olds	1:12			5-year-olds	1:15
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<b>Rationale</b>	Adequate supervision for children is not dependent on the type of child care site and thus the recommendations work to create greater consistency across program types. The recommendations provide flexibility for sites to determine whether they wish to adhere to mixed-age or single-age group sizes and ratios																																

# Set Consistent Expectations for Staff

Current State: Different standards apply to each setting of care, ranging from the least restrictive (registered ministries) to the most (licensed child care centers). Across settings of care, providers reported ongoing difficulty in hiring qualified staff.

To build workforce supply while ensuring all caregivers possess essential competencies and skills, the recommendations:

- Establish a minimum requirement of a high school diploma or equivalent *and* passing an assessment that determines whether an individual has the competencies necessary to fulfill a specific role within a child care program
- Draw from the competencies outlined in the Indiana Core Knowledge and Competencies for Early Childhood, School-Age, and Youth Professionals
- Collapse role categories into Director, Qualified Caregiver, and Substitute to provide greater clarity of expectations.

# Recommendation Example 1: Personnel Qualifications

<b>Justification</b>	Minimum qualifications ensure the individual working in a child care program has the necessary training and education to ensure the health and safety of children during both a normal day and during emergency situations. It is also required by federal law.
<b>Recommendations</b>	<ol style="list-style-type: none"><li>I. Significantly streamline and specifically target the most important personnel qualifications by defining minimum qualifications by two criteria:<ol style="list-style-type: none"><li>1. High school degree or equivalent;</li><li>2. Passing an assessment that determines whether an individual has the competencies necessary to successfully fulfill a specific role within a child care program.</li></ol></li> <li>II. For the purposes of determining personnel qualifications, collapse and rename the current role categories within a program to be: Director, Qualified Caregiver, and Substitute</li></ol>
<b>Rationale</b>	The shift from a credential-based to a primarily competency-based approach is responsive to stakeholder feedback around challenges finding qualified staff and aligns with the Licensing Workgroup's recommendations to find alternative pathways to obtain knowledge. The recommendations are in line with other states (e.g., Maine, Maryland) who currently require a competency assessment to become licensed to work in a child care program, and is an opportunity for Indiana to become a leader in this areas by creating assessments tailored to specific roles within a child care program (e.g., Director, Qualified Caregiver, etc.).

# Provide More Flexibility in Facilities

Current State: Licensing rules vary by setting and stakeholders report that the inability to comply with facilities requirements serve is a primary barrier to the expansion of child care supply.

To support growth in child care capacity while providing safe and secure facilities, the recommendations:

- Establish a narrower, though comprehensive, set of facility standards that directly impact the health and safety of children
- Clarify the goal (e.g., Operate a site that is clean, safe, sanitary and in good repair) while being less prescriptive about the means of accomplishing it
- Provide a formal process to submit an alternative plan designed to meet the intent of a particular standard in certain instances when a facility cannot meet the standard on its face
- Request that the State establishes procedures for consistently evaluating such plans

# Recommendation Example 3: “Alternative Plans”

<b>Justification</b>	No set of licensing regulation can envision every scenario in a child care program. As such, the state should provide programs with the option to submit a plan to meet the goal of a licensing regulation in a different way than specified in the regulations.
<b>Recommendations</b>	Allow for "Alternative Plans" when written regulations: <ol style="list-style-type: none"><li>1. Can not be reasonably met by a program;</li><li>2. Is shown to not be applicable.</li></ol>
<b>Rationale</b>	Provides programs the opportunity to demonstrate modifications currently in use or modifications that could be implemented to still maintain the health and safety for children. This opportunity to submit plans for consideration by the state acknowledges that child care businesses operate in their own unique contexts while still retaining a commitment to the health and safety of children.

# Recommendations Report Overview

## Introduction

- Purpose
- Methodology

## Recommendations by regulatory area

- Justification
- Recommendation
- Rationale for Recommendation

## Core Set of Regulations

# Core Set of Regulations

Contains 14 core areas, as well as sub-areas

- Background Screening, Definitions, Qualifications, Training, Personnel Screening, Supervision, Ration/Group Size/Square Footage, Behavior and Guidance, Family Engagement, Environment, Food Preparation and Service, Health Promotion and Protection, Safety, and Transportation



# Next Steps

- Policy Equity Group (PEG) will take ELAC's feedback into consideration in finalizing the report for publication and attach a summary of public comment
- ELAC will consider any modifications to the recommendations required to meet the needs of school age care at its May 14<sup>th</sup> meeting.
- ELAC and Office of Early Childhood and Out of School Learning (OECOSL) staff will partner to refine model rule language in alignment with final recommendations
- ELAC/PEG will support OECOSL in pursuing the rule promulgation process, which will commence by July 1, 2024, and will include opportunities for feedback and public comment
- ELAC will build upon workforce strategies and complete the compensation study required by SEA 2, due September 30, 2024