



Indiana Early Learning Advisory Committee

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

March 12, 2024
1:00 PM

Meeting Agenda

- ▶ Call to Order
- ▶ Approval of Agenda & December Minutes
- ▶ Chair's Report
- ▶ Director's Report
 - ▶ Legislative Update
- ▶ Regulatory Review Update
 - ▶ Overview of approach & methodology
 - ▶ Examples with discussion
 - ▶ Next Steps
- ▶ Public Comment
- ▶ Adjournment



Approval of Agenda & December Minutes

Chair's Report

Maureen Weber
ELAC Chairwoman

Director's Report Legislative Update

Courtney Hott
ELAC Director

Legislative Session 2024

- Sine Die – March 8, 2024 (one week early)
- Two child care-related bills passed
 - SB 2
 - HB 1102

Legislative Session 2024

- SB 2
 - Expands eligibility for On My Way Pre-K and CCDF for licensed child care employees
 - Reduces minimum caregiver ages
 - Allows qualified individuals, such as K-12 teachers, to register as substitute educators
 - Authorizes a statewide employee compensation study and dashboard
 - Streamlines options for K-12 schools to participate in On My Way Pre-K

Legislative Session 2024

- HB 1102
 - Increases number of children allowed in an unregulated home to 7, with limits on non-related infants
 - Increases exemption to less than 6 hours per day (maximum 30 hours)
 - Expands school employee child care to allow LEA's to contract with partners to run child care as long as it is on school property

Preview & Discussion of Regulatory Review

Jeff Capizzano
Policy Equity Group



Assessing Indiana's Child Care Licensing Regulations: ELAC Steering Committee Update and Discussion

Jeffrey Capizzano, *President*

March 12, 2024

Presentation to the Indiana Early Learning Advisory Committee

Agenda



- Review legislative charge and project's guiding questions
- Offer context for the regulatory analysis and recommendations
- Provide overview of methodology being used for standards review
- Give an example of how methodology is being employed
- Solicit ELAC feedback on methodology
- Discuss important regulatory questions
- Next steps and adjourn

Legislative Charge and Guiding Questions



Legislative Charge

Not later than ~~July~~ 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 ~~July~~ 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

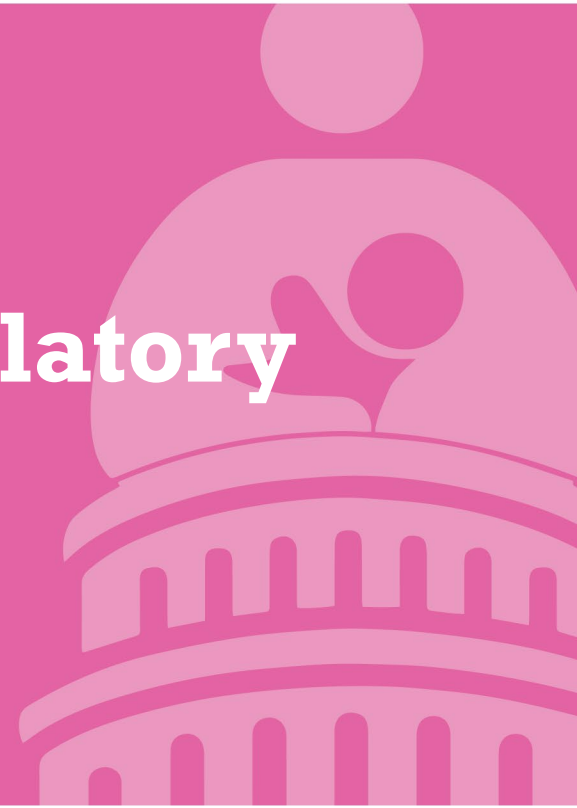
With significantly streamlined standards, how does it impact the need for multiple sets of standards?

4

What resources will be necessary to providers and administrative staff to successfully implement the new standards?



Some important context for the regulatory analysis and recommendations...



Indiana regulations must comply with federal law

State licensing must include the following:

Licensing exemptions

Training and professional development requirements

Classroom ratios

Health & Safety requirements

- *Immunization, SIDS prevention, administration of medication, response to emergencies, facilities safety including electricity, water, and traffic*
- *Shaken Baby Syndrome and Head Trauma*
- *Emergency preparedness including natural disaster or on-site violence*
- *Handling & Storage of Hazardous materials and bio contaminants*
- *First Aid and CPR*
- *Minimum health & safety training during orientation in addition to ongoing training*

Federal law requires criminal background checks be conducted for each child care staff member

- Search of state criminal and sex offender registry from the last 5 years
- Search of state-based child abuse and neglect registries from the last 5 years
- National Crime Information Center
- FBI fingerprint check
- Search of the National Sex Offender Registry

Must also address:

- Policies, qualifications and training for licensing inspectors
- Child abuse reporting requirements



An incredible amount of work has already taken place in the state to support the recommendations.



Summary of Efforts to Support Regulatory Planning and Updates

January 2024



Office of Early Childhood &
Out-of-School Learning

Prepared by Mapt Solutions



Indiana has 10 regulatory sets, significantly more than other states

State	Child Care Regulations
DE	ECE & School-Age Centers (2022) Family and Large Family Homes (2022)
GA	Centers (2023) Homes (2023)
IL	Homes (2020) Centers (2023) Group Homes (2020)
IN	470 IAC 3-1.1 Rule 1.1 Child Care Homes (2013) 470 IAC 3-1.2 Rule 1.2 Infant and Toddler Services in a Child Care Home (2013) 470 IAC 3-1.3 Rule 1.3 Class II Child Care Homes (2013) 470 IAC 3-4.6 Rule 4.6 School Age Child Care Program (2013) 470 IAC 3-4.7 Rule 4.7 Child Care Centers; Licensing (2013) 470 IAC 3-4.8 Rule 4.8 Emergency or Temporary Closure of Child Care Centers and Child Care Homes (2013) IC 12-17.2-4 Chapter 4. Regulation of Child Care Centers (2023) IC 12-17.2-5 Chapter 5. Regulation of Child Care Homes (2023) 470 IAC 3-4.5 Rule 4.5 Registered Day Care Ministries (1992) IC 12-17.2-2-8 Licensure Exemptions (2022)
SD	Child Care Licensing (2023)



Significant variation for the same regulatory category by setting

	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	
America Licensing level is meeting	Indiana Code (IC) https://www.in.gov/fssa/carefin	Eligibility to Receive Voucher (IC 12-17.2-3.5)	Centers (IC 12-17.2-4)	Interpretive Code - Centers https://www.in.gov/fssa/carefin	Homes (IC 12-17.2-5)	Interpretive Guide - Homes https://www.in.gov/fssa/carefin	Indiana Code - Ministries (IC 12-17.2-6)	Indiana Code - School Age Care Project Fund (IC 12-17-12)	INDIANA ADMINISTRATIVE CODE (IAC Rules)	Indiana Administrative Code - Homes (IAC)	Interpretive Guide - Homes Rule 1.1 https://www.in.gov/fssa/carefin	Indiana Administrative Code - Homes - I/T	Indiana Administrative Code - Homes II (IAC Rule 1.3)	Interpretive Guide - Homes Rule 1.2 https://www.in.gov/fssa/carefin	Indiana Administrative Code - CC Facilities,	Indiana Code Title 20 Education 20-26-5-10	Centers (IAC Rule 4.7)	Interpretive Guide - Centers	Rule 18. Child Care Development Fund Voucher	
p		IC 12-17.2-3.5-5 Facility requirements; activities; nutrition; educational materials (e) Beginning July 1, 2015, a provider shall make available daily activities appropriate to the age, developmental needs, interests, and number of children in the care of the provider, include the	n/a	n/a	N/A	N/A	N/A	N/A		470 IAC 3-1.1-38 Activities for healthy development Sec. 38. (a) The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games.	470 IAC 3-1.1-38 (a) Intent: To ensure positive development of children in care, with balanced attention to all areas of development. Activities need to be appropriate to each child's developmental stage. Toys, games, and indoor and outdoor play equipment must be safe. Discipline is a process used to teach children to control their own behavior	470 IAC 3-1.2-4 Activities for healthy development Sec. 4. (note a is about doors) b)After discussion with the parent or legal guardian of each infant or toddler in care, caregiver shall: (1) establish flexible routines for naps, feedings, diapering, and toilet training; (2) provide opportunities	N/A	470 IAC 3-1.2-4 Intent: To ensure that schedules for infants and toddlers are flexible to accommodate their individual and changing needs and temperaments as well as differing parental expectations; the caregiver shall accommodate these differing needs while	n/a	IAC 3-4.6-6 Standards (g) Each school age child care program shall provide program activities that are appropriate to the various age levels of the children to be served and that meet the developmental needs of each child.	470 IAC 3-4.7-55 Inappropriate discipline PEG CODING: Health & Safety Sec. 55. (a) Any person, while on child care center premises, shall not engage in or direct any of the following actions toward children: (1) Inflict corporal punishment in any manner upon a child's body. (2) Hit, soak, beat.	470 IAC 3-4.7-56 Discipline documentation PEG CODING:	(a)(1) - (4) Intent: To ensure that children are never placed in a locked room or room without lights as a form of punishment. In fact, children must always be within the sight of staff and shall never be left alone in another room. These actions are abusive and not acceptable in the care of children. (a)(5) Intent: To ensure that the Center clearly states in writing its	n/a



Licensing is the foundation to Paths to QUALITY

▣ Research-based curriculum is defined by the ECKLC as having the following criteria: (1) Is founded on research about child development and learning; (2) Promotes teaching and learning activities that are shown to have positive effects on child programs and outcomes; (3) has descriptive research or evaluation reflecting child progress but is lacking evidence from a randomized control trial.

Indicator	Level 1	Level 2	Level 3	Level 4
Adult/Child Interactions	Health and Safety Standards*	Interaction scores indicating room for growth on interactions	Interaction scores indicating building or moderate interactions	Interaction scores indicating higher interactions
Curriculum Implementation		Evidence of curriculum utilization across all classrooms.	Evidence of research-based curriculum utilization as defined by the Early Childhood Knowledge and Learning Center across all classrooms.	Use of a research-based curriculum with a fidelity score that meets publisher’s standard for effective implementation across all classrooms.
Kindergarten Readiness Assessment		Evidence that the site uses the state Kindergarten Readiness Assessment to assess child development and learning.	Demonstrates how Kindergarten Readiness Assessment scores are used to set developmental and learning goals and guide instruction for individual children.	Demonstrates how Kindergarten Readiness Assessment scores are used in the aggregate for program planning and quality improvement.

*All levels must maintain health and safety standards



Methodology



Methodology: How we will get to the recommendations

Document Review

- Indiana Licensing Work Group summary report and supporting documents
 - *Summary of Efforts to Support Regulatory Planning and Updates (January 2024)*
- Child Care and Development Fund federal licensing requirements
- National Association of Regulatory Agencies documents
- ACF'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
- Note: Licensing workgroup summarized a year of stakeholder input

Analysis of Current Regulations



Analysis Process of Regulations

Current Regulations

- Categorize**
- Background Screening
 - Behavior & Guidance
 - Environment
 - Family Engagement
 - Food Prep & Service
 - Health
 - Personnel Training
 - Ratio & Group Size
 - Safety Requirements
 - Supervision
 - Transportation
 - Definition
 - Recordkeeping

Informed by NARA's [Best Practices for Human Care Regulation](#) (2020), as cited by [Developing and Revising Child Care Licensing Requirements](#) (HHS)



Redundancies?
Ways to Streamline?
Consistent with research/best practice?

Recs for Revision



Employing the Methodology: Discipline

470 IAC 3-4.7-55 Inappropriate Discipline (a) Any person, while on child care center premises, shall not engage in or direct any of the following actions toward children: (1) Inflict corporal punishment in any manner upon a child's body. (2) Hit, spank, beat, shake, pinch, or any other measure that produces physical discomfort. (3) Cruel, harsh, unusual, humiliating, or frightening methods of discipline, including threatening the use of physical punishment. (4) Placement in a locked or dark room. (5) Public or private humiliation, yelling, or abusive or profane language. (b) Staff shall not associate disciplinary action or rewards with rest. (c) Staff shall not associate disciplinary action with food or use food as a reward. (d) Staff shall not associate disciplinary action or humiliate a child in regard to toileting. (e) Caregivers shall not: (1) use time out for any child less than three (3) years of age; (2) use time out for any purpose other than to enable the child to regain control; (3) physically restrain children except: (A) when it is necessary to ensure their own safety or that of others; and (B) only for as long as is necessary for control of the situation; and (4) use punishment to correct unacceptable behavior.

Question from Methodology	Assessment	Justification
Address Health/Safety?	Yes	Affects child mental health/security
Age/Appropriate?	Yes	(a)-(d), true for any age; defines age for (e)
Observable/Measurable Enforceable?	Yes	Includes definition/examples; (4) could use clarification
Missing?	Yes	Discipline is based on a set of age-appropriate behavioral expectations Reinforcing positive behavior



Employing the Methodology: Positive Discipline

470 IAC 3-4.7-54 Positive discipline (a) Caregivers shall use positive discipline. (b) Caregivers shall do the following: (1) Communicate to children using positive statements. (2) Encourage children, with adult support, to use their own words and solutions in order to resolve their own interpersonal conflicts. (3) Communicate with children by getting down to their eye level and talking to them in a calm quiet manner about what behavior is expected.

Question from Methodology	Assessment	Justification
Address Health/Safety	No	Focused on social/emotional climate; quality
Covered in PTQ/Elsewhere	Yes	Should be included in teacher/child interaction assessment that is used to measure quality
		Revision of discipline regulation would include behavioral expectations



Potential Recommendation (Example)

Recommendation 1a: Combine and condense discipline regulations to focus on: (1) prohibiting corporal punishment/harm to a child's body/shaming; (2) limiting the use of time outs; (3) setting behavior expectations; and (3) emphasizing redirection and reinforcement of positive behavior as discipline strategies.

Recommendation 1b: Make regulatory language consistent across all setting types.



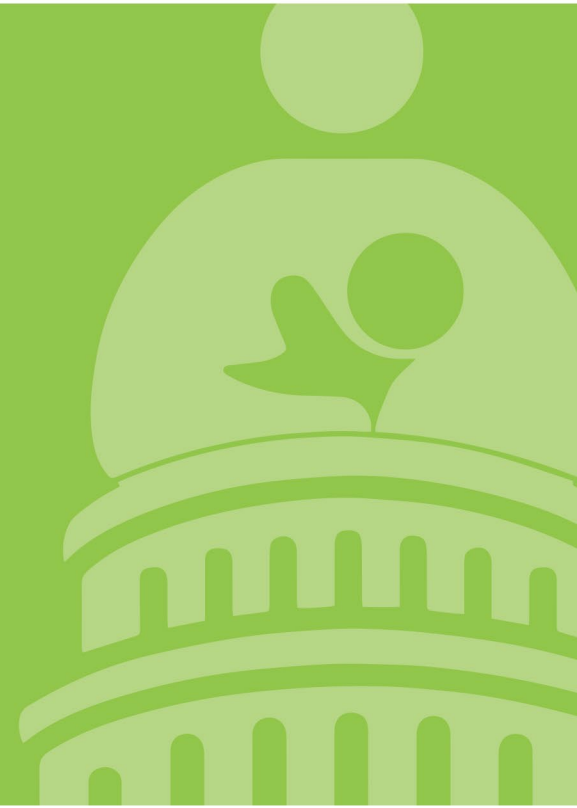
Methodological Questions and Discussion

**Is the methodology a valid approach to meeting the legislative charge?
What are we missing?**

**Is the example recommendation derived from the methodology
consistent with what you were envisioning? Did you have a different
vision for the recommendations?**



Regulatory areas for discussion



Staff Requirements

- Age Requirements
- Education/Credentials
- Safety Training (CPR, First Aid etc.)
- Staff orientation
- Professional Development



Staff Credentials – Federal Law

(42 USC § 9858c)c(2)(G) Training & professional development requirements

(i) State must describe the training and professional development requirements....designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and to improve the knowledge and skills of the child care workforce.

..... [*professional development requirements*] incorporates knowledge and application of the State's early learning and developmental guidelines (where applicable), the State's health and safety standards, and incorporates social-emotional behavior intervention models, which may include positive behavior intervention and support models

(ii) ...shall include the number of hours of training required for eligible providers and caregivers to engage in annually...



Center & Home Credentialing Requirements

	Directors	Caregivers	Lead Caregiver	Support Staff	Substitute
Centers	BA in Early Childhood OR BA in other subject with 15 hours credit in early childhood OR CDA OR AA	High School Diploma or equivalent AND Adequate reading and writing skills to manage intake information, emergencies etc.	CDA OR BA in Early Childhood OR BA in other subject with 15 hours credit in early childhood OR AA	None required unless counted toward ratios; If counted, same as caregiver	Same as caregiver
Homes	Class I (lt 12 children) child care home: a high school diploma or equivalent <ul style="list-style-type: none"> • Has completed; is enrolled in; or agrees to complete within the next three (3) years; a child development associate credential program or a similar program Class II (12 or more children) child care home <ul style="list-style-type: none"> • A class I child care home license; or at least one (1) year of experience as a caregiver in a child care home or child care center. 				



Other considerations

- Licensing consultants less concerned with qualifications, as much as the burden and cost of other staffing regulations including background checks and mandatory training.
- Inconsistency in rules and wording across settings



Questions related to staff requirements

- What should be the minimum age/educational requirements be for a center director, lead caregiver/caregiver?
- Should staff requirements vary by setting or should the same role have the same requirements regardless of setting?
- Should an individual be able to serve as a director to more than one site? Under what circumstances should this be allowable (rural areas, site proximity, etc.)



General Discussion

- Among your stakeholders, where are you seeing the biggest struggles with the regulations?
- What other suggestions or considerations do you have that we should we take into account as we develop the recommendations for your review?
 - What else do you want to see in the report?
 - Poll to determine priorities for the report
- What supports and processes are necessary?
 - Licensing consultant caseloads and relation to capacity



Licensing capacity impacts system capacity

Current caseloads are over 100+ programs licensing consultant

There is a strong relationship between licensing capacity and system capacity, with licensing often acting as a bottleneck

States like Michigan are currently investing in their licensing system

E.g. Governor Whitmer's proposed budget for FY2024-2025

5. Child Care Licensing Bureau Transfer

Transfers in \$25.0 million Gross (\$3.8 million GF/GP) and authorization for 147.0 FTE positions from the Department of Licensing and Regulatory Affairs (LARA) for the Child Care Licensing Bureau and additional licensing staff.

FTE	0.0	147.0
Gross	\$0	\$24,986,500
Federal	0	20,653,100
Restricted	0	544,600
GF/GP	\$0	\$3,788,800



Painting Done: What the Final Report Could Look Like

- **Introduction**

- Legislative charge and the history of the work that has been accomplished

- **Primer on Current Licensing Landscape**

- Regulatory sets, variation across sets, licensing process, and culture

- **Method for Evaluation**

- Document review, literature review, interviews, analysis process

- **Assessment of Current System**

- Summary of findings from interviews and analysis

- **Recommendations**

- Specific to streamlining regulations and consistency across regulatory sets
- Process recommendations
- Resources/capacity recommendations



Painting Done: What the Final Report Could Look Like

- **Anything missing from the content of the report?**



Thank You!

Jeffrey Capizzano
President
Policy Equity Group



www.policyequity.com



JeffreyC@
[policyequity.com](mailto:JeffreyC@policyequity.com)



[@policyequity](https://twitter.com/policyequity)



Public Comment

Adjourn

Information regarding today's meeting, including slides and materials, can be found at

<https://www.in.gov/fssa/carefinder/advisory-groups/early-learning-advisory-committee/>

Next Business Meeting:

- April – TBD – Only approving Regulatory Recommendations
- May 14, 2024 – West Lafayette, IN



For media inquiries, questions or feedback, please contact courtney.hott@fssa.in.gov

