

# Shaping the Future:

Strengthening **Child Care Licensing** in Connecticut



  
**nara**

The National Association for Regulatory Administration

**January 8, 2014**

## **Preface: The NARA Needs Assessment Process**

High-quality, well-written child care licensing regulations are essential to protecting the health and safety of children in out-of-home care and are the foundation for an environment that fosters intellectual and emotional growth. Equally important is the manner in which regulations are applied. Even the best regulations will not offer sufficient protections if they are improperly or inconsistently enforced. It is for this reason that the National Association for Regulatory Administration (NARA) recommends and encourages all licensing oversight agencies to undergo a Needs Assessment Process.

A Needs Assessment Process is a comprehensive evaluation of the three essential components of a licensing oversight agency: communications, regulations, and training. The specific information collected, and the manner in which the information is collected, is contingent upon the licensing agency's design, structure, resources, and objectives. So, while the areas examined through a Needs Assessment Process are the same, the ways and means of conducting the examinations is always agency-specific.

The Needs Assessment Process begins with collecting data relating to the above components. Data is usually collected via a quantitative process – such as a web-based survey - that includes a representative number of licensing stakeholders. Stakeholders usually include, but are not limited to, providers, regulators, advocates, consultants, and parents of children in care. In some cases, quantitative data is supplemented with qualitative information obtained through follow-up interviews and workgroups.

Once the data is obtained and tabulated, the results are compared to the best practices in licensing outlined in NARA's *Licensing Curriculum* to identify what is working – and what is not – in the agency's licensing program. Finally, based on the results of the comparison, NARA provides a report of recommendations for improvement in the agency's operations and governing regulations, including barriers to implementing the recommendations.

NARA's Needs Assessment Process is conducted independent of the licensing agency. The identities of stakeholders who participate in the Needs Assessment Process are kept strictly confidential, and the licensing agency does not approve NARA's findings prior to publication of the final report.

NARA is an international professional organization dedicated to promoting excellence in human care regulation and licensing through leadership, education, collaboration, and services. NARA represents all human care licensing, including child care, older adult care, child welfare, and program licensing for services related to mental illness, developmental disabilities and abuse of drugs or alcohol. NARA's researchers have been studying child care in the United States for over thirty-five years, and is the only organization in the United States that offers a time-tested Needs Assessment Process based on best practices in child care licensing.

## **Introduction: Assessing the Needs of the Connecticut Department of Public Health's Child Care Licensing Program**

The Connecticut Department of Public Health (DPH) is responsible for the administration and enforcement of licensing regulations in family day care homes (homes), group day care homes<sup>1</sup>, and child day care centers (centers) statewide. The State of Connecticut has partnered with NARA to complete a three-stage Needs Assessment Process to identify strengths and weaknesses in their child care licensing program. The DPH Needs Assessment Process (DPH-NAP) consisted of the following elements:

- *Distribution and Tabulation of an Online Survey.* A 57-question, confidential survey was distributed to operators or staff of licensed child day care centers/group day care homes, providers or staff of licensed family day care homes, consultants who currently provide services to licensed child care providers, parents or guardians of a child receiving child care services from a licensed child care provider, and child day care licensing staff persons via an online survey tool. The survey, which was made available in both English and Spanish, consisted of three components: Communications, Current Regulatory Requirements, and Training. Survey responses were collected between August 26, 2013 and September 9, 2013. Five hundred and twenty-eight stakeholders responded to the survey.
- *Onsite Forums.* On November 6 and 7, 2013, onsite forums were held with child care providers to engage in an open discussion about how to strengthen Connecticut's child care licensing program and areas in which the family day care home regulations could be strengthened. A total of 102 providers participated in the sessions.
- *Qualitative Interviews with Survey Participants.* Survey participants who indicated that they would be willing to participate in follow-up interviews were contacted by telephone or email and asked a series of targeted questions based on information obtained through the online survey and the onsite open forums. Sixty-one stakeholders participated in the follow-up interviews, which were conducted between November 19, 2013 and December 1, 2013.

After collecting and tabulating all of the data obtained through the above processes, NARA compared the cumulative results to the best practices in licensing set forth in the *Licensing Curriculum* to identify recurring themes among respondents. Based on the results of the comparison, NARA identified weaknesses in the licensing program and developed recommendations for improvements to agency practices and governing regulations.

This document reports the findings of each stage of the DPH-NAP, provides recommendations to address identified weaknesses, and proposes means to overcome barriers to implementing the recommendations.

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<sup>1</sup> As of this writing, there are 25 licensed group day care homes in Connecticut.

## Table of Contents

<b>Executive Summary</b> .....	<b>1</b>
<b>Stage 1 – Online Survey Results</b> .....	<b>2</b>
<b>Stage 2 – Forum Findings</b> .....	<b>9</b>
<b>Stage 3 – Targeted Interview Analysis</b> .....	<b>11</b>
<b>DPH Child Care Licensing: Strengths and Weaknesses</b> .....	<b>18</b>
<b>Recommendations for Quality Improvement, Barriers to Recommendation Implementation, and Proposed Solutions</b> .....	<b>20</b>
<b>Next Steps: Shaping the Future of Child care Licensing</b> .....	<b>23</b>

## Executive Summary

The state of Connecticut has started a multi-year project to improve its child care licensing program and how regulations are applied in child day care centers and day care homes. Connecticut has partnered with the National Association for Regulatory Administration (NARA) to design and administer the project. NARA is the only professional organization in the United States devoted to studying and promoting best practices in human-care licensing.

This document reports the findings of a three-stage Needs Assessment Process (NAP) that was conducted between August 26, 2013 and December 1, 2013. The DPH-NAP included an online survey, in-person forums with child care providers, and targeted interviews with survey respondents.

The DPH-NAP found that licensing staff are professional, respectful, and fair when conducting their duties, and that the current sets of child care regulations do not need to be changed to be effective. These are the identified program strengths.

The DPH-NAP found that inter-rater reliability in Connecticut's child care licensing program is very low, which means that inspectors do not interpret or apply the regulations the same way. Low inter-rater reliability can lead to the belief that inspectors are determined (or even required) to find regulatory violations, the feeling that communication from the licensing agency is lacking or inconsistent, or the perception that there is a combative rather than collaborative relationship between the licensing agency and the provider community. All of these concerns were raised during the provider forums and targeted interviews. Low inter-rater reliability is the program's most crippling weakness, followed by inadequate training programs for inspectors and insufficient training opportunities for providers.

Based on the DPH-NAP results, NARA recommends developing and implementing agency-wide policies and procedures that specify how inspections will be conducted and how inspection results will be reviewed and applied to the licensing process; developing interpretive guides for applying child care regulations that will be designed for agency and provider use; and providing training on compliance with the developed policies and procedures, use of the interpretive guide, and standardized trainings consistent with the NARA *Licensing Curriculum*. NARA further recommends the development of a standard, career-long training plan for licensing staff and offering targeted, low-cost training to providers outside of normal business hours.

## Stage 1: Online Survey Results

There were 528 responders who responded to the survey. Of these, 514 (97%) responded to the English version, and 14 (3%) responded to the Spanish version<sup>2</sup>. The table below shows the distribution of respondents by self-identified description.

Which of the following terms best describes you?	Count	Percent
Anonymous	158	29.9%
Child Day Care Center/Group Day Care Home Director	134	25.4%
Child Day Care Center/Group Day Care Home Operator	62	11.7%
Child Day Care Center/Group Day Care Home Program Staff	16	3.0%
Consultant	43	8.1%
DPH Child Care Licensing Manager/Supervisor	8	1.5%
DPH Child Care Licensing Staff	22	4.2%
Family Day Care Home Provider	64	12.1%
Family Day Care Home Staff	2	0.4%
Parent/Guardian	19	3.6%
<b>Total</b>	<b>528</b>	<b>100.0%</b>

Respondents who are associated with a Child Day Care Center or Family Day Care Home were asked to identify certain characteristics of the settings with which they are affiliated. The table below shows the identified affiliations.

	Count	Percent
The program participates involved in the Care 4 Kids program	190	41.2%
The program is NAEYC-accredited	116	25.2%
The program receives School Readiness funding	62	13.4%
Unsure	46	10.0%
The program is state-funded	28	6.1%
The program receives Head Start / Early Head Start funding	15	3.3%
The program is NAFCC-accredited	4	0.9%
<b>Total</b>	<b>461</b>	<b>100.0%</b>

Parents who responded were asked to identify the type of setting where their children receive care. Responses appear in the table below.

	Count	Percent
Declined to answer	1	5.3%
Child Care Center (A center caring for more than 12 children)	12	63.2%
Family Child Day Care Home (A private home caring for 6 or fewer children)	6	31.6%
<b>Total</b>	<b>19</b>	<b>100.0%</b>

<sup>2</sup> There were little to no responses to all phases of the NAP from Spanish-speaking participants. The DPH-NAP may not capture strengths and weaknesses of the licensing program that are unique to Spanish-speaking stakeholders, if any exist.

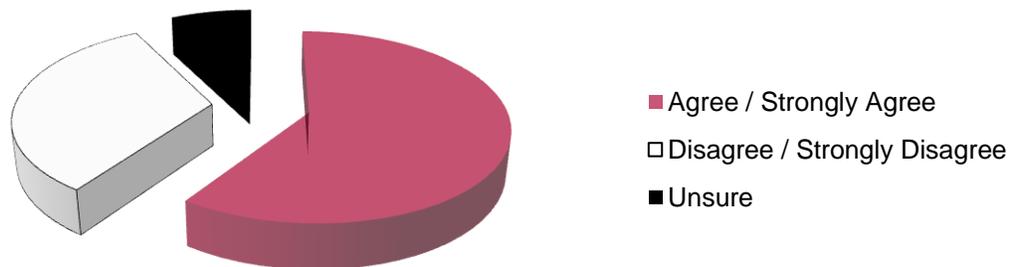
Consultants who responded were asked to identify the types of child care settings in which they provide their services. Consultants may provide services in more than one type of setting. Responses appear in the table below.

	Count	Percent
Child Care Center (A center caring for more than 12 children)	37	60.7%
Family Child Day Care Home (A private home caring for 6 or fewer children)	14	23.0%
Group Day Care Home (A home caring for 7 - 12 children)	10	16.4%
<b>Total</b>	<b>61</b>	<b>100.0%</b>

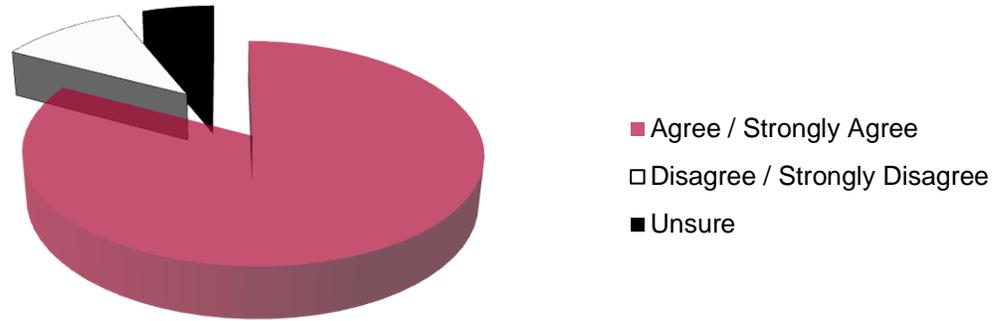
*Part I: Communications*

Responses indicate that most respondents have a positive view of the DPH. Seventy-six percent of respondents agreed or strongly agreed that providers are treated fairly by DPH; over 80% felt that DPH treats providers in a respectful and professional manner. These responses are very encouraging, but it should be noted that a disparity exists between provider responses and consultant responses. On average, 84% of providers agreed or strongly agreed that they were treated fairly by DPH, whereas only 70% of consultants believed that providers were treated fairly. Eighty-nine percent of providers agreed or strongly agreed that DPH treats them in a respectful manner, whereas only 74% of consultants felt that providers were treated respectfully. Despite assurances that the survey respondents' identities would not be revealed to Connecticut, providers may have felt that it would be beneficial to them to rate DPH highly as a whole. However, the reader should also consider the possibility that consultants have a more negative perception of DPH than providers. Nearly all DPH staff felt that providers were treated fairly and in a respectful manner.

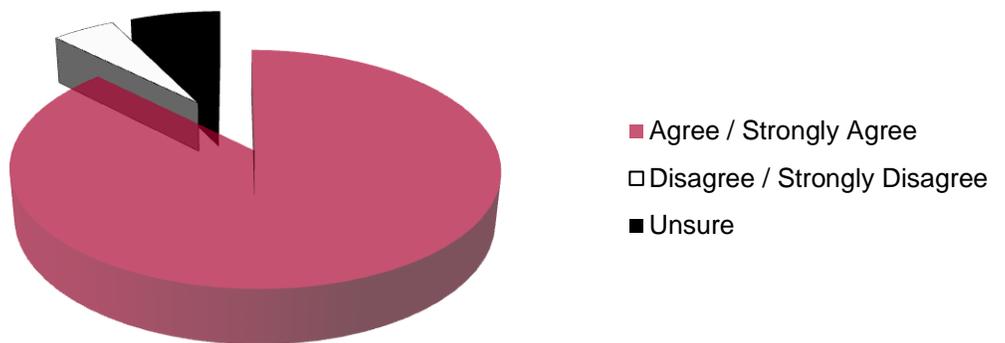
**Comment: In General, DPH Treats Providers Fairly**



**Comment: In General, DPH Treats Providers in a Respectful Manner**

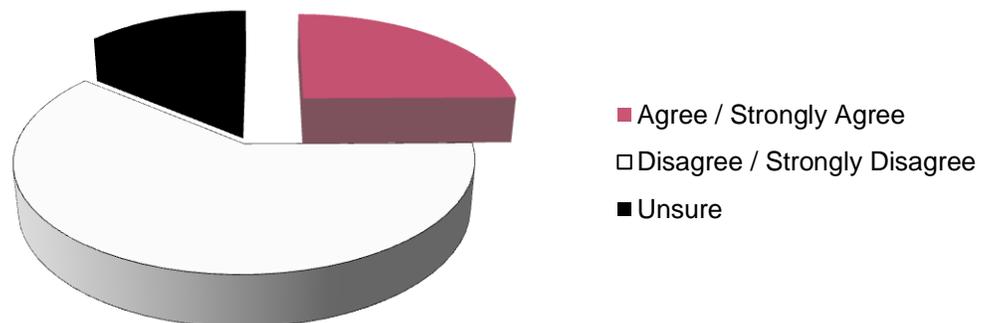


**Comment: In General, the DPH Licensing Staff Conduct Themselves in a Professional Manner**

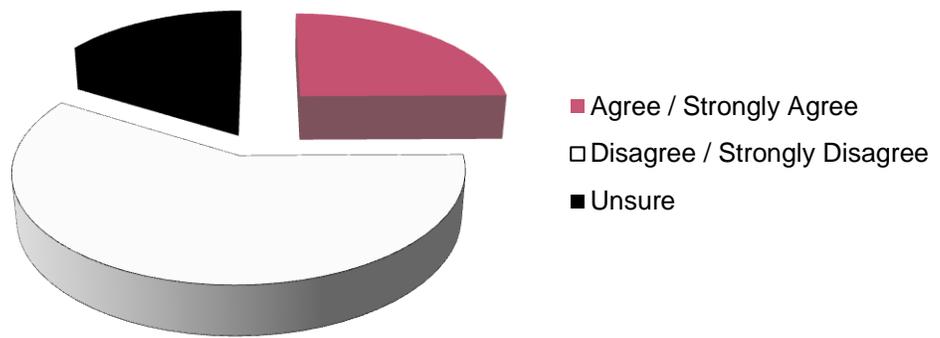


One of the most significant - and consistent - findings revealed by the survey is the universal concern over consistency in regulatory application by DPH staff. While 79% of respondents believed that DPH staff is able to respond to questions while onsite, only 69% agreed that the responses were clear, and only 61% agreed that the responses were accurate. Moreover, 53% of respondents believed that DPH Helpline responses were clear, and 52% believed that they were accurate. The concern about inconsistent application is buttressed by the fact that 56% of respondents disagreed or strongly disagreed that DPH staff interpret the regulations the same way; it should be noted that 57% of DPH staff agree that regulations are not interpreted consistently.

**Comment: In General, All of the DPH Licensing Staff Interpret the Regulations the Same Way**



**Comment: In General, All of the DPH Licensing Staff Apply the Regulations the Same Way**



*Part II: Regulations*

Child day care centers and group day care homes operate pursuant to Connecticut General Statute Section 19a-79; family day care homes operate pursuant to Section 19a-87. Survey respondents who indicated that they are familiar with one or both sets of regulations were asked to rate how much they agree with a series of statements relating to the regulations. In general, respondents agreed that the regulations provide good health and safety protections to children, and that both providers and licensing inspectors understood the regulations. About half of the respondents agreed that Section 19a-79 is clearly understood without explanation; about 60% agreed that 19a-87 is clear. The majority of respondents disagreed with the statement “the current regulations do not need to be changed.”

Their beliefs about the need for regulatory changes notwithstanding, respondents were also asked to rank how much each section of each set of regulations needs to be changed. The rankings are summarized in the charts on pages 6-7. The majority of the respondents for both centers and homes reported that the regulations do not need to be changed at all or need to be changed a little. The areas of Section 19a-79 most respondents said needed to be changed a lot or completely rewritten were educational requirements (24.6% of respondents), physical plant (18.8% of respondents), and staffing (18.1%). The area of Section 19a-87 that most respondents said needed to be changed a lot or completely rewritten related to the responsibilities of the provider and substitute (24.5% of respondents).

Respondents were asked to rank the top five regulations they would change in each set of requirements. The responses for both sections were too diverse to identify any specific requirements that a majority of respondents sought to change.

The survey responses suggest that substantial changes to the existing regulations are not required. Responses to questions about both the overall quality of the regulations and specific sections of the regulations in need of changing show that most respondents believe the current sets of regulations to be largely effective but in need of some modification. It is important to acknowledge that about half of all respondents reported that the regulations are not clearly understood. When compared to the overall assessment of the regulations as adequate, this seemingly-contrary perception suggests that it may be necessary and appropriate to develop interpretive guides that clarify the primary benefit of the regulations as well as provide guidance about how they are interpreted. If modifications or amendments to the regulations are considered, particular attention

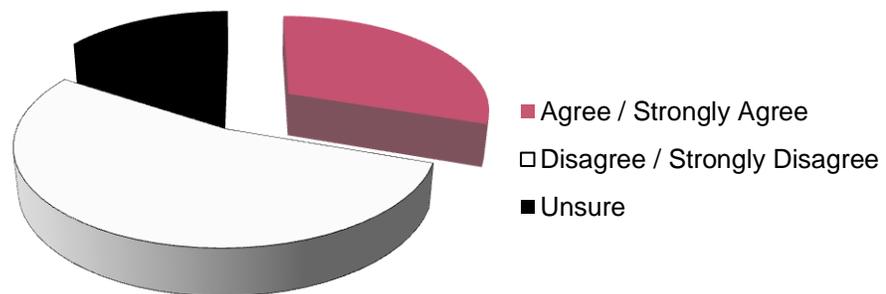
should be paid to educational requirements, physical plant, and staffing regulations in centers, and responsibilities of the provider and substitute regulations in homes.

### Part III: Training

“Training” in a licensing context has two elements: provider training, where the licensing agency educates providers in strategies and best practices for achieving and maintaining regulatory compliance; and staff training, where the staff of the licensing agency receive training in agency policies and procedures as well as best practices in regulatory administration. Survey respondents were asked to evaluate both types of training offered by DPH.

The majority of respondents disagreed or strongly disagreed with the statement “there are many training opportunities available to providers to help providers meet regulatory requirements.” It is noteworthy that the distribution of responses to this statement among providers and DPH licensing staff was nearly identical. Responses relating to the usefulness of available provider training were more evenly distributed. Overall, about 30% of respondents agreed or strongly agreed that the trainings were useful, 30% disagreed or strongly disagreed that the trainings were useful, and 30% were unsure or declined to answer the question. It should be noted that DPH supervisors tended to rate the usefulness of provider training higher than other respondents. Eighty-seven percent of supervisors agreed or strongly agreed that provider training was useful and applicable, suggesting that supervisors may have an inflated perception of the training’s value. The overwhelming majority of respondents agreed or strongly agreed that training staff is a significant financial hardship for providers.

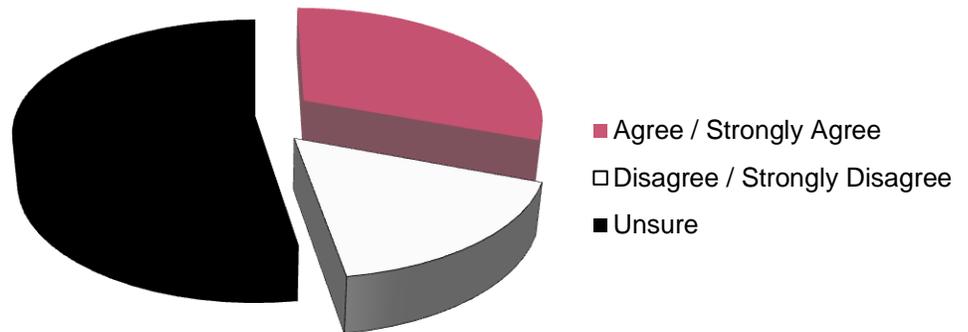
**Comment: There are Many Training Opportunities Available to Providers to Help Providers Meet Regulatory Requirements**



As expected, most of the survey respondents who are not employed by DPH responded that they were “unsure” about the quality and quantity of training provided to DPH staff. As a result, this document will focus on DPH staff responses exclusively. Of significant concern is the disparity in responses between supervisors and line staff to the statement “inspectors receive sufficient training when hired to do their jobs” – 75% of supervisors agree with the statement, compared to only 41% of line staff. As is the case with the quality of training offered to providers, it seems as though supervisors may have an inflated perception of the amount of training provided to new inspectors. Another curious disparity between management and staff is shown via the responses to the statement “inspectors receive sufficient ongoing training to improve their skills.” Licensing staff are about evenly-split in their responses, with 46% of respondents in agreement with the statement and 50% disagreeing. Fifty percent of supervisors also agreed with the statement, but 38% of them responded that they were unsure whether sufficient ongoing training was provided. The disparate responses between management and line staff are further reflected in their responses to the statement “the licensing agency has enough resources to provide sufficient training to inspectors.”

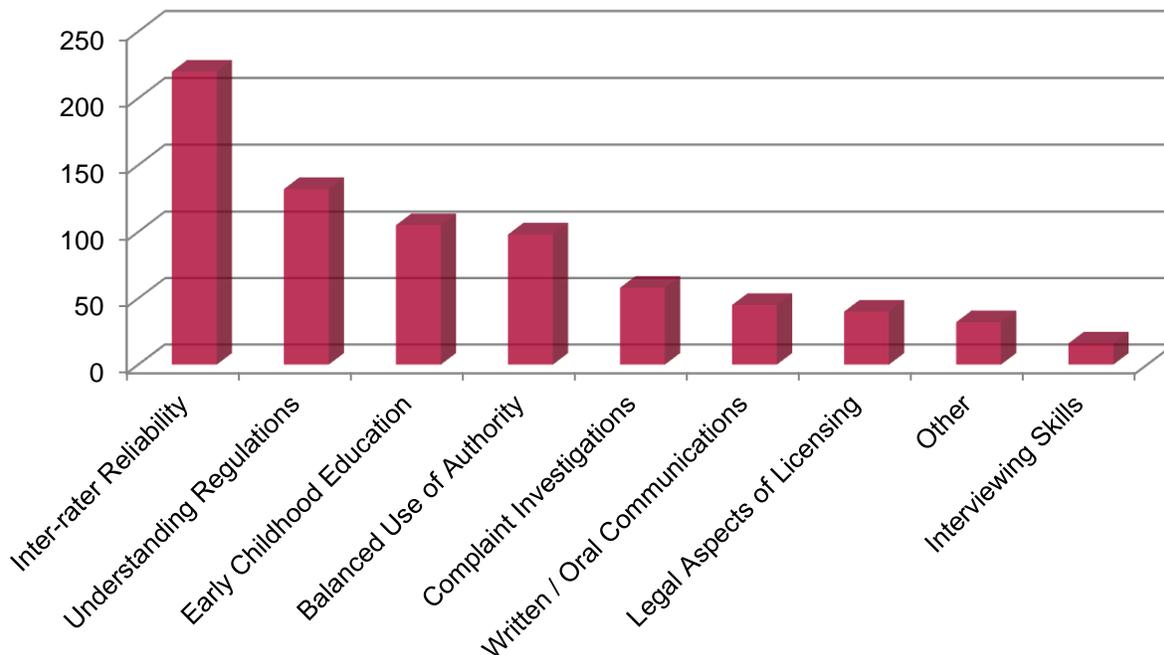
Sixty-three percent of supervisors agreed with the statement, whereas only 32% of line staff agreed. *The responses to this section suggest a strong disconnect between supervisors and line staff regarding the adequacy of the training provided to staff at hire and as part of a continuing education curriculum.*

**Comment: Inspectors Receive a Sufficient Amount of Training When Hired to Do Their Jobs**



Respondents were asked to select the top two areas in which inspectors should receive additional training. As was noted in “Communications” above, respondents expressed concern about inspectors applying the regulations in the same way. This concern is further reflected in the top training areas selected by the respondents: “Inter-rater Reliability (applying the regulations the same way)” and “Understanding Regulations.”

**Top Areas for Additional Training**



Nearly all respondents indicated that it would be helpful for providers and inspectors to attend the same training sessions. Licensing staff responses to this statement were somewhat anomalous, however, in that 55% of them disagreed that attending joint training sessions would be helpful. It is recommended that the reason for this sentiment among inspectors be explored further.

In general, respondents felt that a combination of in-person and online trainings should be provided to providers and licensing staff.

## **Stage 2: Forum Findings**

Open forums were held on November 6, 2013 from 6:00 PM to 8:00 PM and November 7, 2013 from 10:15 AM – 12:00 PM. Forty-two providers attended the former forum, and 60 attended the latter. During the forums, which were moderated by NARA and did not include DPH staff, participants were encouraged to share concerns in a roundtable, conversational style. Following the forums, NARA consolidated the responses into five overarching findings that best represented participants' concerns.

### *Finding 1: Inconsistent Application of the Regulations*

Participants expressed a high level of frustration regarding the inconsistent application of the regulations by DPH staff. The clear consensus was that the manner in which regulations are applied depends on the inspector onsite and how (s)he chooses to interpret the regulations--an assertion that the providers subsequently contended is shared by DPH staff. In addition, the providers asserted that some inspectors are unaware of regulatory changes, and are sometimes cited for "violations that do not exist." Providers felt that this could be improved by training in consistency in regulatory interpretation.

### *Finding 2: Adversarial Relationships*

Participants stated that their relationships with DPH are contentious and adversarial. Many expressed the belief that DPH has made a conscious decision to switch from a cooperative mentality to an "us versus them" approach, and many believe that there is a "quota system" that requires inspectors to find violations when none exist. Participants expressed a strong desire to work collaboratively with DPH, but stated that this could not happen in the current "witch hunt" environment.

### *Finding 3: Assistance from DPH*

Participants were frustrated by an inability to receive assistance from DPH regarding achieving compliance; there were two recurring examples: first, many providers said that some inspectors are unwilling to provide technical assistance about how to correct violations identified during an inspection. Some providers reported that DPH staff have told them that they are prohibited from providing guidance on violations and development of corrective action plans. Second, there were numerous references to the "inefficiency" of the DPH Help Desk. Participants stated that calls to the Help Desk are not returned in a timely fashion and sometimes not returned at all. Others said that the accuracy and quality of the information provided by the Help Desk depends on who is answering the question.

### *Finding 4: Citation of Hazards*

Nearly all participants stated that the identification and citations of hazards are overly broad, unfair, and misleading. Providers expressed frustration over the fact that there is no distinction between "minor" and "major" hazards. One participant cited a violation for "rust on top of a swing set" as a "hazard." Providers proposed a tiered system that distinguishes between minor and major hazards. Some participants stated that they are sometimes cited for hazardous conditions without a

specific regulatory reference. Providers also expressed frustration over being cited for physical site conditions that are outside of their control, such as when a home or center is located in part of a building that is used for other purposes.

*Finding 5: Communications*

The providers believe that DPH does not communicate changes in regulatory interpretations and emerging issues. They expressed frustration by being required to go onto the DPH website to find changes, and stated that this is especially problematic for those providers who have difficulty accessing the internet.

### **Stage 3: Targeted Interview Analysis**

Between November 19, 2013 and December 1, 2013, survey participants who indicated that they would be willing to participate in follow-up interviews were contacted by telephone or email and asked a series of targeted questions based on information obtained through the online survey and the onsite open forums. Twenty-three stakeholders responded by telephone, and 38 responded by email. Participants were asked the following questions:

1. We heard a lot about the relationship between inspectors and providers, particularly relating to communication and interaction. Many people, including inspectors, said that the inspectors do not interpret the regulations the same way. Do you agree with that comment? Can you provide examples of inconsistent interpretation that you have personally experienced? How do you think DPH can improve consistency in interpretation?
2. Continuing on communications, we frequently heard that there is an adversarial relationship between providers and inspectors, and that inspectors seem determined to find violations. Do you agree with that comment? Why or why not? Why do you think this perception exists? How do you think DPH can improve the negative relationship, real or perceived, between inspectors and providers?
3. In general, how do you think the regulations could be improved? Are there any specific sections of the regulations that are particularly problematic to comply with?
4. Do you think that DPH's work reflects clear and consistent policies and procedures? Why or why not?
5. Finally, if you had one message to convey to DPH officials, what would it be? Similarly, what do you think is the single most important change that DPH could make to do its job better?

#### *Question 1: Consistent Interpretation*

Ninety-three percent of respondents emphatically agreed with the comment that inspectors do not interpret regulations the same way. Examples of personal experiences with inconsistent interpretation almost always related to a regulation that does not have a dichotomous state of compliance, e.g. hazards and outdoor conditions (an example of a regulation that does have a dichotomous state of compliance is one where a signature is required on a document; the signature is either present on the document or it is not). One respondent relayed an anecdote about rocks in the outdoor play area that were determined to be a choking hazard despite having been present in the area for the past 13 years. Another respondent provided the following:

I have heard the following from my inspectors on my knife block: I cannot keep my knife block on the counter; I can keep it on the counter, but only in the far back corner; I must keep it in the far back corner, turned around so the handles face into the corner; it is fine where it is.

Equally telling are the responses from the seven percent of respondents who did not agree that there was inconsistent regulatory interpretation. Three percent reported that the regulations have always been applied the same way – however, each respondent referenced “my inspector” or used the term “inspector” in the singular. This suggests that the consistency may be a result of the absence of the opportunity for inconsistency. Since only one inspector inspects the settings, there is

no opportunity for another inspector to differently interpret a requirement. But the most important responses for the purposes of strengthening the DPH licensing program came from the remaining four percent of dissenters; these respondents recognized that inspectors *have different strengths and areas of expertise*, which lead them to focus on some regulatory requirements more than others. This concept will be explored in *Recommendations for Quality Improvement* below.

Suggestions for improving consistent application of regulatory requirements included additional inspector training and the development of “clearer” regulations.

#### *Question 2: Relationships*

Participants’ reactions to this question generally followed a normal distribution. Some respondents indicated that they “agree 100%,” some reported that they “absolutely disagree,” but most said that the degree of adversity – if any – depends on the individual inspector. Many respondents recognized that “adversarial relationships” are often a function of perception rather than intentional aggressive conduct by an inspector. Regardless of respondents’ reactions to the idea that relationships between inspectors and providers are adversarial, many of them believe that inspectors are “determined” or “required” to find violations, and nearly all suggested that inspectors should focus more on the provision of technical assistance during the inspection process instead of “looking for violations.”

#### *Question 3: Regulations*

While participants occasionally referenced a specific regulation that should be changed, the majority reported that regulations should be more clearly written and less open to interpretation.

#### *Question 4: Policies and Procedures*

Participants did not believe that DPH’s work product reflected clear and consistent policies and procedures. “Inconsistent application” was the near-universal response to why respondents believed this was so.

#### *Question 5: A Message to DPH*

Rather than paraphrase respondents’ messages to DPH, NARA believes that the messages have the most impact when read as written<sup>3</sup>. The comments of each respondent who elected to respond to the question are reproduced on the following pages.

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<sup>3</sup> The diction and syntax of each comment has been modified to protect the anonymity of the respondent. No substantive edits have been made to the comments.

## Participants' Messages to DPH

Change the mission to one that includes guiding and helping programs improve themselves.

Don't punish inspectors for not finding enough items to cite.

Let providers rate their inspections and send feedback to DPH.

It is very easy to blame inspectors, but it is the actions of the provider that have not gone well. If the provider does their job well, the inspector has few negative messages to deliver.

DPH should be more transparent, rather than so guarded.

Instead of trying to find violations, try giving assistance and information.

I have had great inspectors.

Look at the uniqueness of each site and determine what to look for.

If you want something, tell us what it is and we'll do it.

I like to think that most of us are doing our best and want to comply with regulation. Smiling wouldn't hurt anyone. More communication would be good.

It would be nice if DPH was more user friendly.

Please hold our inspectors accountable for how they treat us.

Treat us like we are not ignorant people.

Lose the "gotcha" attitude.

There needs to be greater emphasis on hiring the correct people for the inspector positions.

Most of us are adhering to the regulations to the best of our ability and inspectors should give us the benefit of the doubt and come in with a positive attitude.

I find it very frustrating that when I get a new inspector I get "new" violations.

My one message to DPH officials would be make the regulations clear and easy to work with.

Rewrite the regulations, and have the inspector's sheet reflect the regulations.

I think DPH should focus on promoting higher standards of health and safety through training and support. I really believe people want to do a better job, but finding money for training can be a problem for many programs.

Directors need to know exactly what they may be sighted on to be fair and make sure that they are in compliance.

There needs to be a guide for us that is very specific. We also need to know what violation each potential problem refers to.

My message to convey to DPH officials would be to focus on what is best for the programs our children in Connecticut attend, rather than give in to political pressures and the wants of the public.

Clarify the regulations. Make everything black and white. That's where the problems are.

Go back to being professional and helpful.

Make more of an effort outside of inspections to provide technical assistance.

Create a manual/guide for standard operation procedures

DPH needs more staff and better guidance.

Annual inspections should be completed. There are not enough staff to do annual inspections.

Come down on the daycares that are not regulated and are running illegal operations.

Inspectors should all have experience and education in the field of early childhood education and family/community relations.

Tell staff to go out and meet the providers and communicate with them.

Inspectors absolutely must have a direct background in the education of young children and also in working with children and families.

"GET IT TOGETHER" - Get organized and be consistent.

Recognize good centers. Be encouraging teachers yourselves. Help to create a sense of working together with us to provide safe places for children to learn, grow and be cared for.

Communicate with providers when there are changes to policies and regulations.

Be fair and logical.

Improve the professionalism and trust - don't be so adversarial.

Offer advice not criticism. Show why and allow us to fix things before citing us.

Work on creating a collaborative partnership

Thank you would be my first thought.

Nothing!

I would like our 'two year visits' from the State to be within a one month period.

Better training for staff once policies and procedures are created.

That the emphasis should be on supportive work with schools.

Training for staff and providers on the regulatory process.

My message to DPH officials is to continue insisting upon safety measures that are resolute and clearly written in the regulations. However, do not seek to complicate situations by creating your own ideas of what is or isn't safe for children.

Everyone should be consistent with answers.

Communication seems to be a large issue.

DPH should be more accessible and easier to reach.

Work with us.

Hire more staff that are qualified to do work.

Stop trying to find a problem or violation every time you do an inspection or visit.

Rewrite the regulations so they are more black and white.

Inspectors should be trained to be more positive in the manner in which they discuss violations and how those violations need to be rectified.

Train licensing staff.

Wordle™ ([www.wordle.net](http://www.wordle.net)) generates "word clouds" from a group of text. The clouds give greater prominence to words that appear more frequently in the source text. Although Wordle™ is usually used as a medium for artistic expression, it can also serve as a graphic representation of quantitative research. The Wordles below show the word clouds generated from respondents' responses to the targeted interviews.







## DPH Child care Licensing: **Strengths** and **Weaknesses**

As noted above, the NARA Needs Assessment Process is used to identify a licensing program's strengths and weaknesses. However, since the primary objective of the DPH-NAP was to make recommendations for quality improvement, there will naturally be a greater emphasis on areas in need of improvement.

### *Program Strengths*

The vast majority of participating stakeholders believe that DPH is professional, respectful, and fair. While it is true that the forum participants and post-survey interviewees generally expressed a negative perception of DPH, the reader is reminded that individuals who provide extensive feedback about any experience tend to do so as a result of that experience's having been unpleasant. Additionally, it must be noted that forum participants were all service providers, as were most of the post-survey interviewees. This is not to say that providers' opinions are intrinsically tainted, but rather that their input cannot be assumed to represent the general population of child care stakeholders. The survey results are therefore the most reliable measure of the public's perception of DPH, and, as shown above, the survey reveals that DPH is generally well-regarded.

The DPH-NAP also found that the current regulations for both centers and homes are generally adequate for protecting children's health and safety and for promoting positive outcomes in child development. Neither the survey, the focus groups, nor the targeted interviews revealed beliefs that the regulations are inadequate. The most-frequently-cited area of regulatory improvement was that they be made "clearer" or "more black and white," but the best means to address these concerns is usually not regulatory revision (as will be addressed in *Recommendations for Quality Improvement* below).

### *Program Weaknesses*

The fundamental weakness of DPH's child care licensing program is very low inter-rater reliability, which means that inspectors generally do not interpret or apply regulatory requirements the same way. This weakness is supported by findings in each stage of the DPH-NAP. The survey found that over half of all survey respondents disagreed or strongly disagreed that DPH staff interpret and apply the regulations the same way, and the top two areas of additional training required were "inter-rater reliability" and "understanding regulations." Moreover, "inconsistent application of the regulations" was the concern most frequently expressed during the open forums with providers, and 93% of those who participated in the targeted interview process agreed that inspectors do not interpret regulations the same way. Respondents who reported consistent application of the regulations tended to be providers who were inspected by the same person every year. Many of the problems that plague a licensing agency are rooted in low inter-rater reliability; for example, the belief that inspectors are determined (or even required) to find regulatory violations, the feeling that communication from the licensing agency is lacking or inconsistent, or the perception that there is a combative rather than collaborative relationship between the licensing agency and the provider community. It should be noted that each of these themes was expressed to some degree by stakeholders participating in the DPH-NAP process. Based on the results of the DPH-NAP, NARA recommends that DPH focus the majority of its quality improvement initiatives on strengthening inter-rater reliability.

While secondary by far to the weaknesses stemming from low inter-rater reliability, the DPH-NAP findings also show that training programs for both licensing staff and for providers should be

strengthened. Providers were mixed in their assessment of the quality of training provided by DPH, but were in general agreement that the amount of training provided was inadequate. Similarly, over half of DPH staff responded that the amount of training they received was not sufficient to do their jobs.

The third identified weakness – which may also be related to inter-rater reliability and training – is the possibility that some licensing staff are uncomfortable with the degree of authority granted them by their positions. The mixed responses to questions about adversarial relationships suggest that inspectors are manifesting known archetypes of persons who do not know how to properly balance and enforce their use of authority during the licensing process.

## Recommendations for **Quality Improvement, Barriers to Recommendation Implementation, and Proposed Solutions**

No licensing agency enjoys undergoing a Needs Assessment Process, as it always forces the agencies to face unpleasant truths about programmatic weaknesses. Nevertheless, electing to identify weaknesses is one of the best decisions a licensing agency can make, since there are almost always simple and effective means to strengthen the identified weaknesses – as is the case for DPH.

Any recommendation for quality improvement means that changes must be made, and changes, no matter how simple, will always face barriers to implementation. Fortunately, the recommendations that NARA encourages DPH to adopt tend to have barriers that are easily overcome. This section presents NARA's recommendations to strengthen the DPH child care licensing program, identifies potential barriers to implementing the recommendations, and solutions for overcoming barriers to implementation.

*Improving Inter-Rater Reliability.* NARA recommends a three-step process for improving inter-rater reliability:

1. **Develop internal policies, procedures, and standard tools for inspectors.** Written policies and procedures that specify how inspections will be conducted, develop a process of multi-layer administrative review of inspectors' work products, and develop a matrix for assessing regulations that do not have dichotomous types of compliance (e.g. "hazards") wherein the same process for determining noncompliance is supplied and subsequently supported by evidence.
2. **Produce an interpretive guide for each chapter of regulations for use by inspectors and providers.** Interpretive guides are an essential means of establishing consistency in a licensing program. Interpretive guides explain how each regulation will be measured and provide information about the intent or "primary benefit" of the regulation. Unlike policies and procedures, interpretive guides should be written for use by all stakeholders.
3. **Train licensing staff on compliance with the developed policies and procedures, use of the interpretive guide, and standardized trainings consistent with the *NARA Licensing Curriculum*.** Internal policies and procedures and the interpretive guides can be developed concurrently; once they are complete, training in their use and application should be provided to all DPH staff. During the development process, NARA recommends that the following standardized trainings be provided to all inspectors: *The Licensing Process*, *Balanced Use of Authority*, and *Best Practices in Creating an Inspection Report*. Provision of these trainings will reduce or eliminate the perception that DPH is required to find violations and inspectors are adversarial in their interaction with providers. Providing these trainings has the added benefit of addressing the third weakness identified in the DPH-NAP: the discomfort with authority manifested by some DPH inspectors.

There are two barriers to implementing this recommendation. First, stakeholders frequently mistake interpretive guides for new regulations, which is inaccurate. Second, licensing staff may object to the provision of training in what may be perceived as elementary practices in licensing. These barriers can be overcome by internal and external information campaigns designed to comfort and educate

stakeholders in what the processes are designed to achieve, that is, making an agency that is trusted and respected into one that is also consistent in its operations.

### *Strengthening Training Programs*

Additional, high-quality training must be provided to both DPH licensing staff and to providers. NARA recommends the following for strengthening the licensing agency's training program:

1. **Develop a tiered training curriculum for inspectors that combine best practices in human-care licensing with state-specific policies.** An agency training curriculum that consists of four interconnected elements should be developed; these elements include Connecticut's regulatory requirements, agency policies and procedures, use of the interpretive guides, and the foundational principles of licensing and regulatory administration. The curriculum should be tiered to accommodate inspectors with novice, intermediate, and advanced skill sets, but should also include continuing education opportunities that are independent of skill level. For example, *The Licensing Process* is generally most useful to new or inexperienced inspectors; *Suppressing Illegal Operation* is applicable to more seasoned regulators; and training in topics relating to early childhood education can be beneficial to inspectors of all skill levels.
2. **Create career-long training plans.** Training plans that are based on the curriculum described in step one should begin on a staff person's first day of employment and continue throughout his or her tenure with the agency. Training plans should serve as a record of the employee's progress as a professional regulator, and should correspond with the employee's formal performance review.
3. **Clearly establish responsibility for training and staff development.** The agency should have a person or persons who are solely responsible for the creation, implementation, and tracking of staff training plans. If there are insufficient resources to do so, responsibility for training and staff development should be consolidated as shared duties among the fewest possible number of staff. NARA has consistently found that, absent clear accountability, even the most well-developed of training curricula will be neglected within six months of implementation and forgotten entirely after one year.
4. **Pair staff with different skill sets as a training exercise.** As some targeted interview participants noted, licensing staff tend to be stronger in some areas of regulatory application than others. Pairing staff with complementary skill sets for an established period of time will help create a learning culture among inspectors.

Training licensing staff is a process of targeted development; through training, the licensing agency seeks to shape an inspector's development to reflect the agency's method of operations. Offering training to providers is quite different in that the agency seeks to offer content that a provider can apply to his or her individual operational model. NARA proposes the following to improve the provider training experience:

1. **Provide as much free or low-cost training as possible, and make it available outside of normal business hours.** Many providers, especially those who operate family homes, are forced to choose between training and profitable operation. Training opportunities are usually available during business hours (when homes are operating), making it difficult if not impossible for small providers to attend. Additionally, most providers reported that training is a significant financial hardship for them. NARA believes that provider training sessions will be better-

attended, and that providers will be more focused on the training content, if training sessions are inexpensive and accessible.

2. **Base training material on the content in the interpretive guides.** As noted above, interpretive guides are most effective when they are written for all stakeholders. Interpretive guide content should be reflected in training sessions as much as possible so that the in-person training experience dovetails with the text shared by providers and inspectors.
3. **Use inspectors as trainers.** Most respondents, excepting DPH licensing staff, responded that licensing staff and providers should attend the same training sessions. NARA has found that this suggestion usually does not stem from the belief that providers and inspectors need to learn the same things, but from providers' desire to create a community of practice with the licensing agency. Forum and interview responses to the DPH-NAP suggest that this is the case in Connecticut. One means of achieving the desired goal of shared training is for inspectors to serve as trainers for providers. This should be done under the supervision of a person who is well-acquainted with the subject matter and who can resolve any conflicts about interpretation of the material presented.
4. **Use inspection results to guide training topics.** The DPH-NAP revealed a high degree of uncertainty about whether the training offered to providers was relevant to regulatory compliance. Inspection findings should be analyzed in aggregate to identify patterns of noncompliance or areas of the regulations that are particularly difficult to comply with.

Using the DPH-NAP findings, we can imagine an "ideal" provider training session: A no-cost, 2-4 hour training session relating to identifying and mitigating hazardous conditions in child care settings that is taught by inspectors and presented on a Saturday afternoon.

The primary barrier to implementing all of the above recommendations is that they may be in conflict with the agency's employment standards or labor union contract. Formal recognition of tiered skill levels can be construed as disparate treatment of persons who are required to be viewed as equally qualified; this is especially so if performance evaluations are joined to training standards. Allowing or requiring inspectors to perform duties that are not covered by their job descriptions – such as serving as trainers – can lead to contractual violations or noncompliance with employment standards. The means to overcome this barrier is entirely dependent on the requirements of a given contract or standard. In some cases, all of the recommended improvements can be implemented by developing policy that is consistent with contractual obligations; however it is likely that some of the recommended actions cannot be implemented without significant modifications.

### *Changing Regulatory Requirements*

NARA recommends that regulatory requirements be reviewed and updated on a regular basis to ensure that they remain applicable to current conditions. Regulations may also be changed to reflect ideological shifts in a state's approach to human-care licensing. Most of the survey responders reported that the current child care regulations in Connecticut "should be changed a little." More in-depth responses from the forums and targeted interviews found that the suggested changes involved making the regulations "more clear" or "more black and white," which in most cases speaks to the need for improved consistency in regulatory application rather than changes to the regulations themselves. Based on the DPH-NAP results, NARA proposes that regulatory changes could be pursued, but that DPH's primary objectives should be implementing the recommendations shown above.

## Shaping the Future of Child Care Licensing

The DPH-NAP processes showed that strengthening Connecticut's child care licensing program requires the development and implementation of agency-wide policies, the production of standardized tools for regulators and providers, and the formation of a dedicated training program. NARA recommends the following steps be considered to achieve these goals:

- Develop a policy and procedure manual that specifies how inspections will be conducted and how inspection results will be reviewed and applied to the licensing process;
- Develop interpretive guides for Connecticut General Statutes Section 19a-79 and 19a-87;
- Develop a training curriculum for DPH licensing staff that is compliant with Connecticut's labor and employment standards that includes standardized staff training plans;
- Create a model for identifying provider training topics using inspection results;
- Train DPH staff in compliance with the developed policies and procedures, use of the interpretive guide, and best practices in human-care licensing as specified in the NARA *Licensing Curriculum*;
- Disseminate information to educate stakeholders on the improvement initiatives; and
- Develop an evaluation tool for DPH to test the impact of the above actions following their implementation.

Adopting and implementing the recommendations set forth in this document will align Connecticut's child care licensing program operations with the standards of excellence in regulatory administration. More importantly, these recommendations will help protect children in care by forging relationships between DPH and the provider community. The future of child care licensing in Connecticut will be shaped by consistency.