



Family Child Care Policy Brief

Developed by the Louisiana Policy Institute for Children

Introduction

As Louisiana considers options for expanding early care and education capacity in the state, family child care providers will continue to be an important option available to working families in need of child care. Family child care, also described as “early learning homes” in proposed legislation, consists of an adult providing care and education for children in the adult’s residence. Family child care providers are already a key component of the statewide early care and education system with 115 family child care providers registered throughout the state as of 2019.¹

Currently, family child care providers in Louisiana are not required to have a license.² Two pieces of proposed legislation have been filed that would create an “early learning home” license type for family child care providers. Research is clear that adult-child interactions are a centerpiece of quality child care and education because quality begins with attachment and relationships. Two important aspects of licensing are child-to-staff ratios and child group size. Child-to-staff ratios are the number of adults based on the number of children in a child care setting and child group size is the total number of children in a child care setting. While promising in some ways, these bills also raise serious concerns about the quality of learning and safety of children due to their expanding the potential for both increased ratios and increased group sizes.

A recent report by the Louisiana Legislative Auditor evaluated the Louisiana Department of Education’s regulation of child care providers. That report specifically found that “Louisiana child care licensing standards do not meet all national best practices related to child-to-staff ratios, group sizes, and oversight of family and in-home providers.” These bills would actually exacerbate some of the key issues raised by the Legislative Auditor rather than address them.

We do not support policies that will result in reduced child safety and reduced quality and will oppose the legislation in this current form.

Concerns with Proposed Legislation

¹ <https://cdn2.hubspot.net/hubfs/3957809/State%20Fact%20Sheets%202019/Louisiana%202019.pdf> . There are likely many more family child care providers, as 9,500 were registered to participate in the child food program in 2018.

² Louisiana has a registration process for those home-based providers who wish to enroll families who pay with assistance and some home-based providers do choose to be registered.



In order to ensure that Louisiana’s children are able to learn in a high-quality setting and be safe in child care settings, we ask that you address the following:

1. **The legislation should include the number of children related to the provider as part of the total group size:** The current legislation exempts “related children” from the total number of children in an early learning home or in an unlicensed setting. It could inadvertently allow a provider to be responsible for far more children than is safe or advisable if related children do not count towards the total group size.
2. **Appropriate teacher to child ratios should be maintained:** The legislation is silent on the need for a second teacher based on the number enrolled children. Ratios of seven to twelve children per adult are unacceptably high, especially if there are infants and toddlers, and jeopardize safety and quality of child care, according to best practices. This issue is only exacerbated by the possibility of an unknown number of additional related children.³
3. **Greater rulemaking guidance should be specified:** The legislation should provide greater guidance in terms of rulemaking, to ensure the license being offered in this legislation is subject to sufficient health, safety and quality standards.

Key principles. Policymakers considering legislation authorizing family child care (“early learning homes” or “small early learning centers”) should keep the following principles in mind:

1. National best practices favor low children-to-teacher ratios for the following reasons:
 - a. **Physical safety of children.** Realistically, one provider cannot ensure the safety of a group of twelve or more small children. In the event of an emergency like a house fire, how does one person evacuate 12+ small children from the residence? If one child hits his or her head while playing, how does one adult keep that child immobilized while waiting for emergency medical personnel or a parent to arrive while also watching 12+ children?
 - b. **Quality of interactions.** Meaningful child-adult interactions are deeply important to developing social and cognitive skills. The higher the ratios of children to adults in a care setting, the less meaningful those interactions are going to be. High staff to children ratios, on the other hand, are linked to children’s increased cognitive development, decreased behavioral problems, increased verbal development, and increased social competence.

³ While financial considerations may make hiring an assistant teacher an unrealistic choice for some home-based child care providers, children’s safety must be the first priority of any licensing program. To expand the quality of home-based child care capacity, the state needs to look at increasing child care subsidies to make these businesses more financially viable, not decreasing quality standards.



2. The national trend is to keep ratios low. Louisiana’s ratios for center-based child care settings are already higher than nationally recommended standards⁴ and ratios for unlicensed care in groups of six children or fewer do not take into account the ages of the children at all.
3. Louisiana is already only one of three states that allow people to provide unlicensed care to up to six children. The vast majority of state require a license if a provider is caring for four or fewer children.⁵ Authorizing a license type allowing a single individual to care for twelve or more children, and authorizing unlicensed providers to provide care for six or more children, would diminish overall quality and could diminish Louisiana’s national rankings in terms of quality early care and education.
4. National research shows that there is no correlation between state regulation and child care supply,⁶ meaning looser regulations on group child care homes may not have *any* impact on increasing the number of early care and education spots available for young children in Louisiana. While the proposed legislation seems designed to create another avenue for growth of the child care capacity of the state, particularly in the aftermath of COVID-19, there is no way to know if it will have the desired result.
5. If the state is seeking to increase the supply of child care providers, the best course of action is to invest more in providers, not decrease the regulations designed to keep children safe and learning.

Family child care and education has many attractive features. It gives children the opportunity to be cared for in smaller groups by a provider who is responsible for fewer children than in a center setting.⁷ These small group sizes facilitate the strengths of relationships and interactions. While economic variables play a large role in whether a provider can offer care to working families, the primary benefit of a family child care setting is the small group size.

While currently relatively unregulated, Louisiana’s system of family child care now has both positives and negatives. The positives are that it creates the potential of a smaller group setting in which children can have quality interactions with their caregivers. It is also frequently more affordable for families. Unfortunately, there are currently concerns with Louisiana’s family child care system, including the fact that the burden of determining whether any given family child care provider is a safe

⁴ https://www.childcareaware.org/wp-content/uploads/2015/10/wecandobetter_20rankings2020041013.pdf

⁵ https://childcareta.acf.hhs.gov/sites/default/files/public/threshold_fcch_2014.pdf

⁶ <https://www.naeyc.org/resources/blog/childcare-underinvestment-not-overregulation>

⁷ Buell, M.J., Pfister, I., & Gamel-McCormick, M. (2002). Caring for the caregiver: Early Head Start/family child care partnerships. *Infant Mental Health Journal*, 23(1-2), 213-230.; Krauss, J. (1998). Brief Report: Safe at home base: Working parents’ reasons for choice of home-based child care. *Journal of Adult Development*. 5:59–66; Leu, C.R. & Osborne, S. (1990). Selecting child care. *Early Child Development and Care*. 54:95–98.



and competent person with whom to leave a child falls solely on parents, who do not have the same resources as the state to conduct background checks or safety inspections.

A 2018 legislative audit found that Louisiana already did not meet best practices in terms of child care licensing. It also found that the Louisiana Department of Education did not effectively investigate complaints of unlicensed providers, and that when providers were cited for inappropriate child-to-staff ratios, 21% of the time there was no follow up to ensure that corrective measures were taken. A copy of that audit is attached to this document. Expanding unlicensed family child care to allow a provider to include related children in addition to six children, and creating a license type to authorize a provider to care for 12 or more children, will likely exacerbate these already serious issues.

We have an opportunity to strengthen Louisiana’s early care and education system by ensuring policies for licensing family child care programs are centered around safety and quality. Historically, licensing standards have been viewed as the bare minimum or “floor” that businesses must meet before they can engage in certain practices. Today, however, national researchers are viewing licensing standards as a crucial part of implementing quality systems and approaches.⁸

Conclusion and Recommendations. The Louisiana Policy Institute for Children supports expanding quality family child care and education for the state’s youngest learners. These programs can fill a serious need in the state and ensure that Louisiana has a diverse child care and education delivery system, which benefits children, families, and communities. The quality of education and care provided to children must always be the highest priority when considering regulatory requirements. We would support legislation that does not exempt related children from ratios, requires child-to-adult ratios to be kept low, and provides sufficient guidance in regard to rulemaking.

The Louisiana Policy Institute for Children would be interested in helping to craft legislation that creates a licensing scheme for small early learning centers—whether they be in homes or in temporary locations as the economy reopens—that describes how a provider may care for up to 12 children in a safe and quality manner. This legislation should allow any provider who cares for up to 12 children to become licensed, but require it of providers who care for seven or more children. If a provider who normally only cares for 6 children wants to be licensed as a small early learning center, the provider would then have the flexibility to expand his or her business as economic realities dictate.

The legislation must ensure that regulations governing small early learning centers take the ages of children into account when determining appropriate ratios and maximum child group sizes. The

⁸ <https://www.childtrends.org/publications/the-role-of-licensing-in-supporting-quality-practices-in-early-care-and-education>



incentive to become licensed as a small early learning center should include eligibility to take CCAP subsidies and the ability to participate in the School Readiness Tax Credit system. Ideally, businesses seeking to expand child care and education options for employees returning to work post-COVID-19 will also look into the possibility of opening small early learning centers, if even as a temporary measure. This proposal would also allow family child care providers who wish to continue to operate without licensure to continue to do so, if they serve six or fewer children. An example of how that could be structured is found below:

“Small early learning center” means any place or facility operated by any institution, political subdivision, society, agency, corporation, person, or persons for the purpose of providing care, supervision, and guidance for twelve or fewer children on a regular basis for at least twelve and one-half hours in a continuous seven-day week, including a family child care provider as described in RS 17:407.62, but not including any place or facility licensed as a child care center as described in RS 17:407.33.

Regulatory scheme:

- (1) A small early learning center that is not also a family child care provider shall be licensed by the department prior to beginning operations.
- (2) A small early learning center that is also a family child care provider may be licensed by the department, pursuant to regulations developed by the department in accordance with this section, but is not required to be licensed or maintain a license.

Modify the definition of “child care center” to delete the exemption of related children and to clarify that any place or facility that meets the definition of a small early learning center is governed by those regulations.

Appendix

Guidance from national organizations: Best Child-Provider Ratios, according to Caring For Our Children

Family Child Care, Multiple Adult Providers⁹

Age	Maximum Child:Staff Ratio	Maximum Group Size
≤ 12 months	2:1	6
13-23 months	2:1	8
24-35 months	3:1	12
3-year-olds	7:1	12

⁹ <https://nrckids.org/CFOC/Database/1.1.1.2>



4- to 5-year-olds	8:1	12
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Family Child Care, Single Adult Provider¹⁰ National standards suggest that ratios in a single adult home-based care setting should be determined by the number of infants and toddlers in the program. It is important for Louisiana to design policy with mixed ages of children in mind.¹¹

If the provider has 0 children under two years of age in care,	then the provider may have 1-6 children over two years of age in care
If the provider has 1 child under two years of age in care,	then the provider may have 1-3 children over two years of age in care
If the provider has 2 children under two years of age in care,	then provider may have 0 children over two years of age in care

Louisiana’s current child-provider ratios

Single adult provider	Six or fewer children, of any age combination
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All persons who provide child care and education to seven or more children in Louisiana are considered “centers.” Type II and III centers and are required to comply with the following ratios and maximum group sizes:

Louisiana Type II and III Center Ratios and Maximum Group Sizes

Age	Required Adult-to-Child Ratio	Maximum Children
Infant	5:1	15
1 year	7:1	21
2 years	11:1	22
3 years	13:1	26
4 years	15:1	30
5 years	19:1	38
6 years and up	23:1	46

¹⁰ <https://nrckids.org/CFOC/Database/1.1.1>

¹¹ For additional information about quality home-based child care providers, please see https://childcareta.acf.hhs.gov/sites/default/files/public/voices_from_the_field_promising_fcc_strategies_0.pdf