

oppaga Progress Report



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Child Care Program Implements Recommendations to Improve Licensing and Enforcement Activities

at a glance

In response to our 2000 report, the Department of Children and Families' Child Care Program has implemented some but not all of our recommendations. The program has provided staff training on identifying and classifying violations and is developing a statewide child care licensing information system. In addition, the Florida Partnership for School Readiness followed our recommendation to use a single data reporting system to track subsidized child client information.

However, the department has not provided additional staff training on how and when provisional licenses should be issued, and it has not completed annual monitoring of its child care licensing units. Also, the department has not conducted the evaluation of the family child care home licensure and registration system as required by law.

Purpose

In accordance with state law, this progress report informs the Legislature of actions taken by Florida's Department of Children and Families (DCF) in response to a 2000 OPPAGA review.^{1,2} This report presents our assessment of the extent to which the department has

addressed the findings and recommendations in our prior report.

Background

The Department of Children and Families' Child Care Program has undergone significant change since OPPAGA's review in 2000. At the time of the initial review, the Child Care Program had three main purposes. Specifically, the program was to

- protect the health and welfare of children in child care by regulating child care centers and homes;
- enhance children's physical, intellectual, motor, and social development by promoting high quality child care; and
- provide subsidized child care to low-income families so they can obtain and maintain employment and increase financial self-sufficiency, and to children at risk of abuse and neglect so that these children have a safe child care arrangement.

In 1999, the Florida Legislature created the state's school readiness program. The Florida Partnership for School Readiness and local readiness coalitions began implementing this program toward the end of OPPAGA's review in 2000. As part of this initiative, the school readiness program subsumed the subsidized

¹ Section 11.51(6), *Florida Statutes*.

² *Justification Review: Child Care Program*, OPPAGA Report No. 00-16, November 2000.

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child care component from the Department of Children and Families' Child Care Program on July 1, 2000.

Because of this change, the Child Care Program is currently only responsible for statewide administration of the child care licensing and training programs. Specifically, the DCF Child Care Services program office is charged with ensuring compliance with minimum health and safety requirements for the protection of children participating in licensed child care settings. The program office regulates the following types of child care settings (see Exhibit 1 for the number of facilities regulated, by type of setting):

- licensed child care facilities;
- licensed family day care homes;
- licensed large family day care homes; and
- licensed facilities that provide daily care for children suffering short-term illnesses or symptoms (licensed "mildly ill" facilities).

In addition, the office registers family day care homes not required to be licensed under current state statutes (e.g., religiously-affiliated homes) and provides training to child care personnel through 23 child care training coordinating agencies throughout the state.

Exhibit 1

As of September 2002, Licensed Child Care Facilities Constitute the Majority of the Settings Regulated by the DCF Child Care Program

Setting	Number of Facilities
Licensed child care facilities	3,986
Licensed family day care homes	2,068
Licensed large family day care homes	101
Licensed mildly ill facilities	0
Registered family child care homes	2,636
Total regulated or registered facilities	8,791

Source: Department of Children and Families, Child Care Program.

The budget of the Child Care Program has been reduced over the last two years, primarily through the transfer of subsidized child care

dollars to the school readiness program. The program was appropriated \$25,673,958 and 106 FTEs for Fiscal Year 2001-02, which was reduced to \$16,516,429 and 105 FTEs during the special legislative session in late 2001 in response to the state budget shortfall. The size of the budget reduction without a corresponding reduction in FTEs is the result of transferring direct payments for subsidized child care to the Florida Partnership for School Readiness. The Child Care Program still maintains this level of staffing in order to meet its remaining responsibilities, licensing and other regulation of child care arrangements. The program was appropriated \$14,801,000 for Fiscal Year 2002-03.

Prior Findings

Our prior review's findings and recommendations were grouped under the two program's main functions of child care licensing and subsidized child care. This progress report examines the status of our recommendations pertaining to child care licensing, and the development of a standardized school readiness tracking system. The status of our remaining recommendations pertaining to the subsidized child care and the school readiness program were addressed in a separate OPPAGA report earlier this year.³

Child care licensing

Our previous review found that the program's licensing and enforcement efforts were reasonably effective in ensuring healthy and safe child care environments. Specifically, the number of verified incidents of abuse and neglect in child care settings regulated by the program declined slightly over a three-year period (1997-98, 1998-99, and 1999-00).

We concluded that there were two deficiencies with the program's enforcement activities that reduced its regulatory effectiveness. First, the department's enforcement policies for child

³ *Program Review: School Readiness Program's Potential Not Realized With Critical Issues Resolved*, OPPAGA Report No. 02-07, January 2002.

care regulations were not applied consistently across the department's district offices. Second, the department's information systems provided insufficient information to make informed policy and management decisions.

We recommended that the department take four actions to improve the child care licensing enforcement process.

- Assess the effectiveness of employee training on identifying and classifying violations and when to issue provisional licenses.
- Require all districts to conduct annual monitoring of licensing units to ensure that licensing and enforcement standards are applied consistently statewide.
- Develop an automated statewide licensing data system for the Child Care Program to improve the accuracy and completeness of program licensing and enforcement information.
- Conduct the statutorily mandated [s. 402.313 (7), *Florida Statutes*] evaluation of the family child care home licensure and registration system in order to determine if concerns about the quality and safety of registered child care homes are valid.

We also recommended that the Legislature amend s. 402.307(5), *Florida Statutes*, to require local licensing authorities to report additional licensing and enforcement data as part of their annual program reports.

Subsidized child care

We recommended three actions to enhance the subsidized child care program's transfer to the Florida Partnership for School Readiness. As previously mentioned, most of our recommendations were addressed in a separate OPPAGA report earlier this year with the exception of the following:

- The local coalitions should use the Statewide Child Care Administration and Reporting System to compile and track school readiness program enrollment, waiting list, payment, and client data, and

form a working group to consider any necessary modifications to make system functional for gathering data across all school readiness programs.

Current Status

The department has implemented some, but not all, of our recommendations pertaining to its licensing and enforcement authority, and is taking steps to implement our remaining recommendation pertaining to the subsidized Child Care Program.

We believe that our recommendations for both functions still apply and are necessary to ensure effective regulation of this sector. For example, since our initial report was published, verified incidences of abuse and neglect in licensed child care facilities have increased. The number of verified incidents in child care settings increased to 136 cases in Fiscal Year 2000-01 (the last year the figure was reported by the program), from 64 in Fiscal Year 1999-00.⁴ Program staff attributes this increase to the elimination of a backlog of cases in one of its districts, and believes that it does not represent a true increase in the incidences of abuse and/or neglect.

Licensing and enforcement training efforts continue to improve, but still need to address how and when to issue provisional licenses

The Child Care Program has partially implemented our recommendation of providing staff training on identifying and classifying violations. However, the program

⁴ Program employees state that this performance measure was dropped from their reporting requirements for Fiscal Year 2001-02, and that the Florida Abuse Hotline is now the only source for this information. However, the Florida Abuse Hotline Information System (FAHIS) contains different statistics for this same time period (the Child Care Program reported 136 verified incidence and FAHIS reported 248 verified cases). According to Child Care Program staff, this discrepancy is probably due to the way the data is reported. The Child Care Program is looking at cases on a per child basis, while FAHIS is grouping the cases by number of reports. A single child may have numerous reports.

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needs to offer additional training on provisional licenses.

The department is now providing staff training on identifying and classifying violations through its statewide child care licensing curriculum training. This training is mandatory for all the licensing staff, and consists of two weeks of classroom training combined with field training. Training is provided for new child care licensing employees on an annual basis.

The department is also providing training on how to classify violations during oversight visits in individual districts, and through quarterly reviews of departmental situation reports that record class violations. The central office collects data from these reports and provides feedback to all districts on the appropriateness of violation classifications. The department notes greater accuracy in the district staff's classification of violations in its quarterly reports since the training has taken place and as a result of the individual feedback provided during the quarterly reviews.

The department is also providing training as part of the implementation of the Florida's Child Care Director credentialing process, which becomes mandatory January 1, 2003. Employees are being trained to document on a standardized form that all owners/directors have been notified of this new requirement. Through the verification of this notification, the department hopes to apply consistent enforcement actions across the state. The department provided training on this issue to statewide employees during a mandatory video telephone conference.

However, the department has not yet provided training on how and when to issue provisional licenses. Consistency in issuing provisional licensing is important because these licenses serve as corrective action tools that require a facility be inspected on a more frequent basis until it is back in compliance. Variations in the issuing of provisional licenses could be interpreted as an unequal application of this sanction.

In 2001, the department attempted to address this issue in a proposed rewrite of Ch. 402, *Florida Statutes*. This proposed rewrite would have added more specific language concerning when and how provisional licenses should be issued. However, no legislation was adopted during this session. The Child Care Program central office is now in the process of reissuing internal policies on provisional licenses and providing additional clarification to staff in the districts. District employees will be retrained in issuing provisional licenses once these policies have been adopted.

Annual monitoring of child care licensing units has yet to be conducted as required

The department has not implemented our recommendation that all districts conduct annual monitoring of child care licensing units to ensure that licensing and enforcement standards are applied consistently statewide.

According to department policy, the central office is to conduct annual monitoring of all districts. The requirement is specified in the Child Care Licensing Desk Reference guide, and annual monitoring is a standard agenda item during each district visit. However, since our report was issued, the central office has only conducted monitoring in 7 of 15 districts and Brevard County. The department reports that budget constraints and resulting travel restrictions prevented more monitoring from occurring.

The Child Care Program reports that it is making additional efforts to comply with this recommendation by creating a quality assurance team whose main responsibility will be ensuring enforcement consistency statewide. Recently, the department began filling positions on this monitoring team.

The department is in the process of developing an automated statewide licensing data system

In accordance with our recommendation, the department is developing an automated statewide licensing data system to improve the

accuracy and completeness of licensing and enforcement data.

In March 2001, the department began developing a statewide child care licensing information system with the main goal of ensuring that the staff is providing consistent and uniform application of child care standards, including enforcement. This system contains all demographic information on providers, inspection information, and other data elements. All of this information may be accessed through ad hoc reports needed by a specific district. Standardized reports are also being created to be readily available to employees and other appropriate entities, such as child care resource and referral agencies. The system was initiated in July 2001, with two "hands-on" training sessions for staff on the hardware, software and policy related issues.

Since July 2001, the program's focus has been on ensuring data integrity in the new information system. The most recent updates to the data were completed in March 2002. However, the system currently only captures information about those facilities that are in non-compliance, including type of facility and the type of infraction. Phase 2 enhancements to the information system will include fields for classifying non-compliance violations and follow-up information on subsequent actions (i.e., corrective actions, fines, revocation of licenses, etc.). Phase 2 enhancements are scheduled for implementation in late 2002.

With these information system enhancements and the creation of the quality assurance team previously discussed, department officials believe that they will be able to meet the annual monitoring requirement and will be able to provide improved access to statewide information concerning

- timeliness of license and registration renewals;
- frequency and timeliness of facility inspections conducted in accordance with program standards;
- timeliness of compliant investigations;

- detailed information on child care providers; and
- timeliness and appropriateness of enforcement actions when violations have occurred.

The department is still not conducting statutorily mandated evaluations of the family day care home licensure and registration system

Contrary to our fourth recommendation, the department has still not conducted statutorily mandated evaluations of the family day care home licensure and registration system.

Section 402.313 (7), *Florida Statutes*, requires the Child Care program to conduct an annual evaluation of the family child care home licensure and registration system. The evaluation is to assess 1) the number of family day care homes registered and licensed, and the dates of such licensure and registration; 2) the number of children being served in both registered and licensed family day care homes, and any available slots in each home; 3) the number of complaints received concerning family day care homes, the nature of the complaints, and the resolution of such complaints; and 4) the training activities utilized by child care personnel in family day care homes for meeting state and local training requirements.

As discussed in our previous report, the department states that it has not completed the annual evaluation since receiving a waiver from the mandate in 1992-1993. The department still contends that the waiver allows them to forego the evaluation and does not plan to produce it this year. However, legislative committee staff indicates that the evaluation would be beneficial and that any informal waiver has no standing. Accordingly, we continue to believe that the department should conduct the statutorily-mandated annual evaluation of the licensure and registration system. Much of the information needed for the evaluation should be available

with the planned implementation of Phase 2 of the child care licensing information system.

Legislative language that requires additional information from local child care licensing authorities has not been adopted at this time

Our final recommendation pertaining to the licensure and enforcement component of the Child Care Program concerned local licensing authorities. We recommended that the Legislature amend s. 402.307 (5), *Florida Statutes*, to require local child care licensing authorities to report additional licensing and enforcement data as part of their annual reports.

Although the Legislature has not acted to implement this recommendation, the department has worked with the nine local licensing agencies to have specific data reported to the Child Care Program. All agencies agreed to submit this information and it is being included in the program's quarterly situation reports. In addition, the department indicates that it has been recently successful in working with local licensing authorities to purchase hardware and software that will allow integration of their data into the new child care licensing information system. The integration should be operational by late 2002.

Local school readiness coalitions are using a unified data system

Our January 2002 review of the school readiness program addressed all but one of our recommendations pertaining to the subsidized child care component of this program. The remaining recommendation pertained to the use of a single data system by local readiness coalitions.

The Florida Partnership for School Readiness has implemented our recommendation that local coalitions use a single data reporting system to track enrollment, payment, and client data. In addition, work groups are providing input to changes in the current

system and the creation of a new, unified system.

All but 2 of the 53 local school readiness coalitions (Miami-Dade and Orlando coalitions excluded) continue to use the Statewide Child Care Administration and Reporting System for their information needs. Information is generated by coalitions and collected in cooperation with the community child care coordinating agencies. The coordinating agencies have primary responsibility for administering the system, which currently consists of client data, enrollment, and payment information for non school-based programs. As of July 1, 2002, school-based data for Head Start and Pre-K have been added to this system.

However, the partnership reports that the Statewide Child Care Administration and Reporting System does not meet their current needs. The system, designed approximately 10 years ago, does not allow for real-time data access or provide accurate enrollment figures. For example, the partnership is unable to estimate the actual need of its client base because the system duplicates certain clients on the waiting list.

The partnership has formed two, informal working groups to address these issues. The first group consists of central agency administrators who recommend enhancements to the current system. The second group is open to a wide range of stakeholders, including the coalitions, central agencies, and school district personnel. This group was primarily concerned with gathering ideas and developing a "wish list" from all stakeholders concerning what should be included in a new system that is being called the School Readiness Information System (SRIS).

The group completed an information technology assessment entitled *Vision Document*, which includes the strengths and weaknesses of the current system, the business needs that are currently unmet, a description of the how the new system would be

structured to address these needs, risk analyses, and a four-year plan to develop and implement the new system. The report stresses that the partnership does not believe it can accomplish the legislative directives pertaining to information gathering and dissemination without the new system.

Information from the report was presented to the Partnership for School Readiness Board of Directors in September 2002, and the partnership has submitted the project for consideration to the Technology Review Workgroup (TRW) and the State Technology Office (STO).⁵ The data system request has been moved to the "Works in Progress" portion of the Legislative Budget Request to give the partnership time to meet new requirements.

In consultation with the TRW and STO, the partnership will be developing a project plan with the information technology staff at the Agency for Workforce Innovation while awaiting approval from the Governor's Office. The plan will include specifics on how to finalize a feasibility study, to gather additional information on available systems and new technologies through a Request for Information or Quotes, and, in consultation with local school readiness coalitions, to consider enhancements in the current system that will make it more useful in the interim period. To implement this plan, the partnership would need over \$500,000 for Fiscal Year 2003-04. These funds will be used to develop the feasibility study and a request for proposals for developing the new system. The projected cost of developing the system, at this time, is between \$8 million and \$10 million. These estimated development costs do not include the statewide distribution and implementation of the system once it is developed.

One final factor that may affect the system's development is whether the partnership will be transferred into the Department of Education during the 2003 legislative session. Because of differences in the DOE's information systems, the SRIS may not be developed as outlined in the *Vision Document* and system redesigns may be necessary if the program moves to DOE.

⁵ On July 1, 2002, the State Technology Office issued new requirements for feasibility studies for new data systems exceeding \$500,000. The information technology assessment for the School Readiness Information System meets many but not all of these new requirements.

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