



Weighting Child Care Licensing Minimum Standards

December 3, 2007

Minimum Standard Regulations

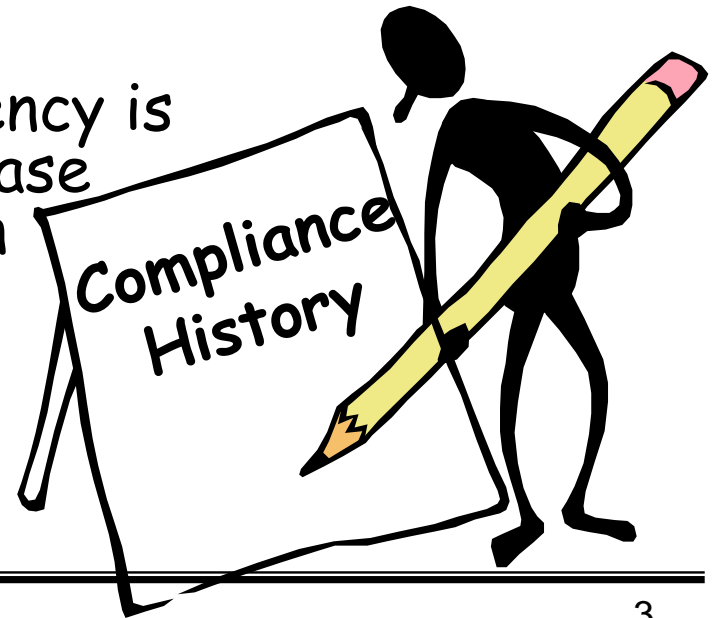
- ❖ Work collectively to protect children in out of home care.
- ❖ While all minimum standards provide some level of protection, not all standard deficiencies present the same risk to children.



Current Enforcement Practice

- ❖ Licensing decisions are based on an operation's compliance history which includes the
 - number,
 - seriousness, and
 - frequency of minimum standard deficiencies.

- ❖ The relative risk of each deficiency is often considered on a case-by-case basis, with no formal recognition of which deficiencies present the greatest risk to children.



Current Enforcement Practice

When all standards are essentially treated equally, without a common regard toward risk:

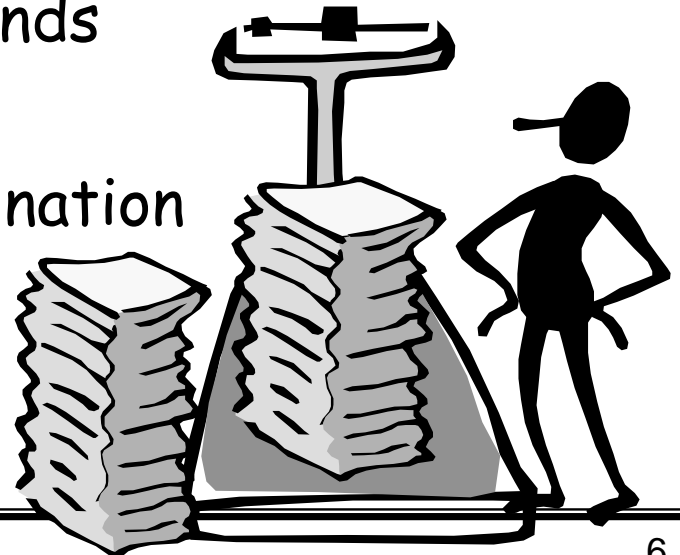
- Enforcement decisions may be inconsistent,
- Enforcement actions may not always be timely, and
- Providers and consumers have no clear message about how standards protect children.

A Weighted Enforcement System

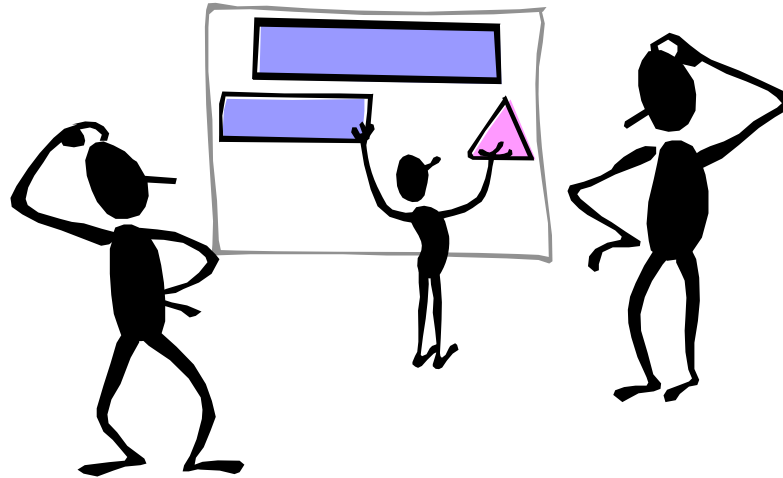
- ❖ Assigns a weight to individual minimum standards based on the level of risk a deficiency presents to children
- ❖ Provides Licensing staff with an additional piece of objective information that can be used when determining Licensing enforcement actions, and
- ❖ Reduces the variance in decision-making and enforcement actions

Weighted Standards Enforcement

- ❖ Implemented on a statewide basis in Fall of 2008
- ❖ Apply to all Licensed and Registered Day Care and 24-Hour Residential Child-Care Operations
- ❖ Requires weighting the numerous minimum standard regulations used in different kinds of child care operations
- ❖ Only program of its kind in the nation



The Weighting Process



Challenges

- ❖ Assigning initial weights to all standards
- ❖ Determining which standards present a significant risk to children when violated.

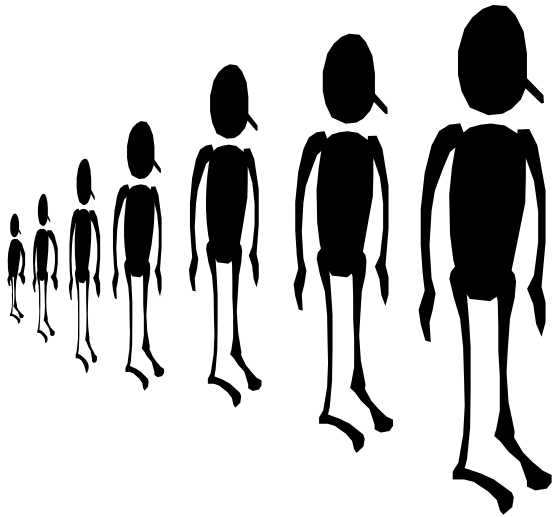
Dr. Pablo Martinez

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Texas State University

Experience in Texas and other states:

- ❖ Developing risk-based decision-making instruments
- ❖ Performing statistical analyses, and
- ❖ Conducting program/policy evaluations

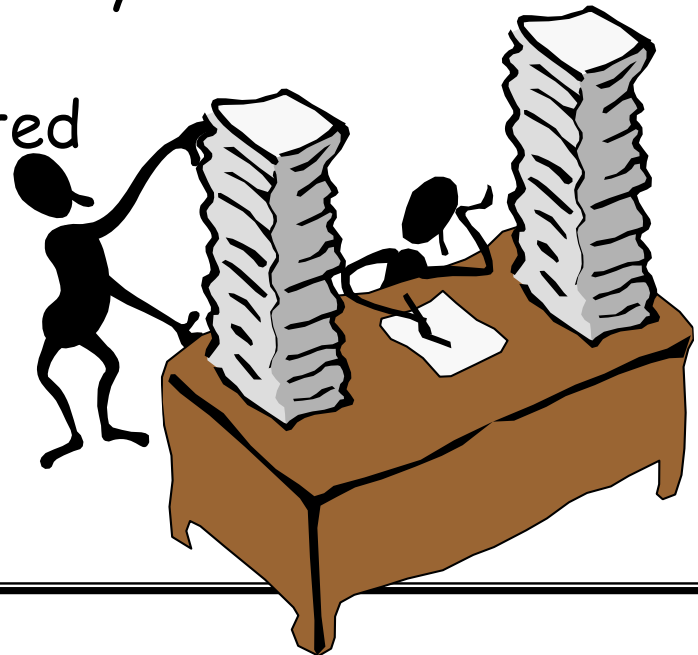
The Weighting Process



- ❖ Conducted Focus Groups with residential and child day care providers
- ❖ Obtained input from former State Advisory Committee on Child Care Administrators and Facilities

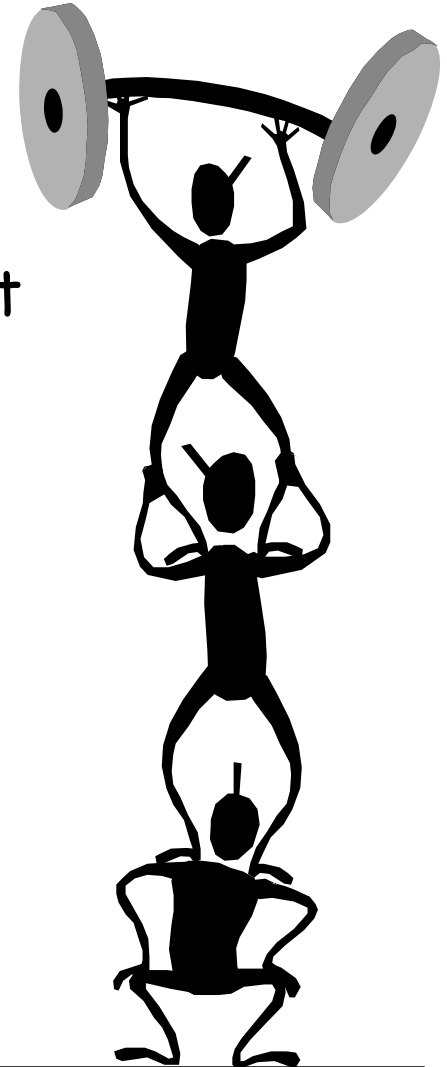
Assigning Weights

- ❖ Focus group members and Licensing staff were invited to participate in assigning initial weights
- ❖ Data on actual citations and subsequent enforcement actions will be gathered and analyzed
- ❖ Initial weights will be evaluated and refined over time



Five Categories of Weights

- ❖ Address subsections of each standard
- ❖ Distinguish between standards that are considered “important” vs. standards that present more substantial “risk”
- ❖ Reflect the risk a deficiency presents to children, without consideration of the scope & severity of the deficiency :
 - High Risk
 - Medium High Risk
 - Medium Risk
 - Medium Low Risk
 - Low Risk



Weighted Enforcement Practice

Licensing staff will:

- ❖ Continue to determine compliance based on observations, review of records and files at operation
 - ❖ Continue to cite deficiencies, and document observations to capture scope and severity
 - ❖ Continue to assess overall compliance history to form a clear picture of the operation, and
 - ❖ Continue differential monitoring
-
- ❖ Now include **weights associated with standard deficiencies** as a part of the decision-making process

Weighted Minimum Standards

Will provide Licensing staff with:

- ❖ A common understanding of risk
- ❖ Objective information
- ❖ Data that will help identify and address trends, disparities and risk to children more effectively and efficiently, and
- ❖ Data to support similar actions are taken for similar compliance history

Impact to Providers

Providers will not be asked to do anything different

Focus Group Participants said weights

- ❖ May help them identify risk and implement practices and training to increase child safety
- ❖ May provide clearer picture of standard deficiencies for consumers
- ❖ Licensing staff will discuss weights associated with deficiencies at the conclusion of the inspection

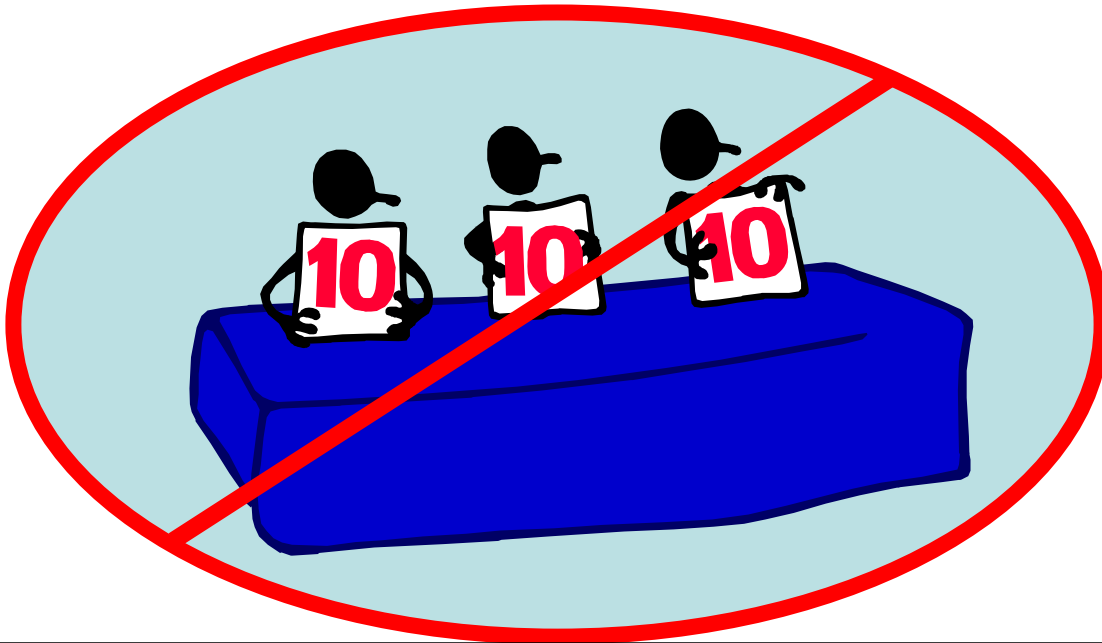


Weighted Enforcement Will:

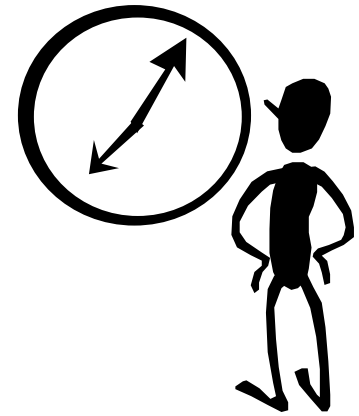
- ❖ Focus Licensing resources
- ❖ Reduce variance in decision-making
- ❖ Facilitate taking the right licensing action at the right time
- ❖ Increase provider and consumer understanding of risk
- ❖ Clarify the connection between deficiencies and the consequences, and
- ❖ Provide the greatest level of protection for children

Weighted Enforcement Will Not:

- ❖ Provide a rating or ranking
- ❖ Result in a score, or
- ❖ Ignore low risk standard deficiencies

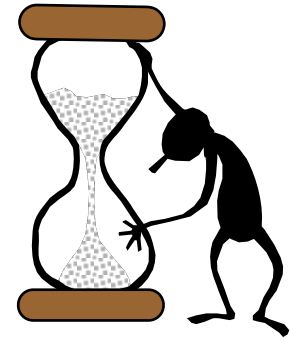


Implementation Fall 2008



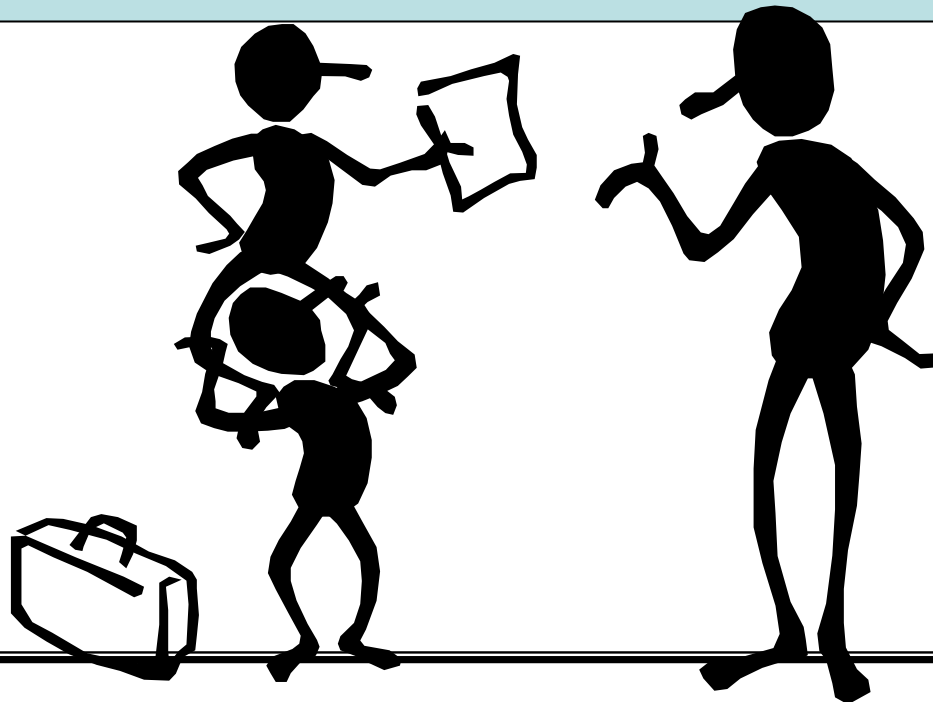
- ❖ Weight all minimum standard regulations and notify providers of assigned weights
- ❖ Train Licensing staff to ensure consistent use of weighting information
- ❖ Modify Licensing automation system providing a more efficient way to collect data on standard deficiencies and subsequent Licensing actions

Implementation Summer 2009



- ❖ Identify and implement sharing standard deficiencies and their associated weights with consumers
- ❖ Design and implement a quality assurance system to ensure consistency and reduce variance in decision-making
- ❖ Design and implement a system for validating and adjusting the weights

The goal of the Licensing division is to protect Children in out-of-home care through consistent and fair enforcement of Licensing regulations.





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Questions and Answers

<http://www.dfps.state.tx.us/>