

**STATE OF LOUISIANA
LEGISLATIVE AUDITOR**

**DEPARTMENT OF SOCIAL SERVICES'
DAY CARE REGULATION PROGRAM**

March 1992



Performance Audit

***Daniel G. Kyle, Ph.D., CPA
Legislative Auditor***

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Department of Social Services' Day Care Regulation Program

March 1992



**Performance Audit
Office of Legislative Auditor
State of Louisiana**

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March 9, 1992

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Honorable Samuel B. Nunez, Jr.
President of the Senate
Honorable John A. Alario, Jr.
Speaker of the House of Representatives
and
Members of the Legislative Audit Advisory Council

Dear Legislators:

This is our report of the performance audit of the Department of Social Services' Day Care Regulation Program. The audit was conducted under the provisions of Title 24 of the *Louisiana Revised Statutes of 1950, As Amended*. All performance audits are conducted in accordance with generally accepted government auditing standards.

The report presents our findings, conclusions, and recommendations as well as the Department of Social Services' responses to the findings. We have also identified and reported several matters for legislative consideration.

Sincerely,

A handwritten signature in cursive script that reads "Daniel G. Kyle".

Daniel G. Kyle, CPA
Legislative Auditor

DGK/sh

TRLTR



Office of Legislative Auditor

Executive Summary

Performance Audit

Department of Social Services'

Day Care Regulation Program

The Department of Social Services' Bureau of Licensing regulates day care centers that provide full-time care for seven or more unrelated children. Our performance audit of the day care regulation program found that:

- ♦ Because day care centers can choose to be licensed under either of two sets of standards, state regulation does not afford all children in licensed day care the same level of protection.
- ♦ The Bureau of Licensing does not have necessary authority to develop and enforce licensing standards.
- ♦ The bureau's monitoring practices and its relatively low staffing levels have resulted in approximately 166 (18%) of its 924 Class A day care centers not receiving statutorily-required annual inspections.
- ♦ The bureau could not begin inspecting Class B centers until June 1991 because the Class B advisory committee had not promptly adopted licensing standards.

Audit Objectives

This audit of day care regulation was conducted by the Performance Audit Group of the Office of Legislative Auditor. The audit objectives were to determine whether:

- ♦ the state's current day care standards are sufficient to ensure the safety and quality of day care programs;
- ♦ the Department of Social Services adequately monitors and enforces licensing standards;
- ♦ day care surveyors are properly trained and supervised; and
- ♦ staffing levels are sufficient to provide adequate regulation.

Program Authority

The state has licensed day care centers since 1956. The Child Care and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 *et sec.*) (State Licensing Act) requires the inspection and licensing of day care providers who care for more than seven unrelated children for more than twenty hours a week. The Department of Social Services' Bureau of Licensing is responsible for regulating Louisiana's 1,880 day care centers.

Two-Tiered Licensing System

The state's day care licensing program does not ensure that all children in Louisiana's day care centers are afforded the same level of regulatory protection. Day care centers can choose to be licensed under either of two sets of standards: Class A or Class B. (page 13)

Some variations between the standards may weaken regulation:

- ♦ Class B standards allow center staff to use corporal punishment with parents' written approval. However, neither licensing standards nor state law provides guidelines for administering corporal punishment. Thus, there is a potential for child abuse. Owners of day care centers also may be held liable should an employee be found guilty of abuse. (pages 15-16)
- ♦ The State Licensing Act allows Class B centers to hire convicted felons with the written approval of a district

judge of the parish and the local district attorney. There are no statutory restrictions to prevent the hiring of felons convicted of crimes against children. (page 17)

- ♦ Class B day care centers are not required to carry liability insurance. Therefore, both parents and center owners are at financial risk should a child be injured while at day care. (page 18)
- ♦ Employees of Class B day care centers are not required to have as much training as employees of Class A centers. Furthermore, employees of Class B centers cannot participate in government-sponsored training because the State Licensing Act forbids Class B centers from receiving public funds. (pages 19-21)

Matters for Legislative Consideration

The legislature may wish to consider abolishing the state's two-tiered system of day care licensing and mandating one set of standards for all day care centers. (page 21)

If it chooses not to do so, the legislature may wish to consider amending the state's Child Care Facility and Child-Placing Agency Licensing Act to achieve one or more of the following:

- ♦ **Prohibit the use of corporal punishment at all day care centers. (page 16)**
- ♦ **Prohibit employment of convicted felons by day care centers or allow employment of convicted felons with written permission of a district judge of the parish and the local district attorney except when the convictions were for crimes involving children. (page 17)**
- ♦ **Allow Class B day care center staff to participate in government-sponsored day care training. (page 21)**

Extent of Program Coverage

The State Licensing Act does not require that all day care providers be licensed. Some providers, such as pre-kindergartens and kindergartens operated by public and Montessori schools, are regulated by the Department of Education. However, all day care homes caring for fewer than seven unrelated children, camps, and pre-kindergartens and kindergartens operated by private schools are exempt from regulation. These exemptions may represent gaps in the state's day care licensing program. (pages 23-25)

Matter for Legislative Consideration

The legislature may wish to consider examining the comprehensiveness of the state's day care regulation program. (page 25)

Criminal Background Checks

The Office of State Police was 18 months behind in performing mandated fingerprint checks of day care staff. When conducted, the fingerprint checks were incomplete. State police staff did not follow the Louisiana Child Protection Act by asking the Federal Bureau of Investigation to compare fingerprints against national records. They also did not compare day care staff's fingerprints against those of all convicted felons. (page 14)

State police officials said they lacked adequate staff to promptly complete the reviews. Officials of both the state police and the Department of Social Services have inquired about the availability of federal money to improve and staff the fingerprint system. However, no state or federal money has been allocated for this purpose. (page 14)

We recommended that the Department of Social Services work with the state police to identify and obtain resources to ensure that fingerprint checks comply with the statutory intent of the State Licensing Act. (page 15)

Summary of Agency Responses

Both the Department of Social Services and the Office of State Police concurred with our recommendation.

Development of Standards

The two day care advisory committees did not promptly develop licensing standards. The State Licensing Act created citizen advisory committees for both Class A and Class B standards. The act, which was adopted in 1985, requires annual inspections of both Class A and Class B day care centers. However, the bureau could not begin inspecting the state's 841 Class B centers until June 1991 because the Class B advisory committee did not adopt licensing standards until 1990. The bureau used previous standards to monitor Class A centers until the Class A advisory committee adopted new standards in 1989. (page 22)

Matter for Legislative Consideration

The legislature may wish to consider amending the state's Child Care Facility and Child-Placing Agency Licensing Act to require that the Department of Social Services develop and propose revisions to day care standards and that advisory committees review, modify, and approve them. (pages 22-23)

Enforcement

The Bureau of Licensing does not have authority to enforce day care standards. The State Licensing Act requires that all enforcement actions be approved by either the Class A or the Class B advisory committee. (page 44)

Requiring that advisory boards approve the bureau's enforcement actions may impair the bureau's ability to regulate day care centers for four reasons: (1) centers have less incentive to promptly correct deficiencies because they may be encouraged to deal directly with the committees; (2) both bureau staff and

board members have been unsure of their exact roles in the enforcement process; (3) since the committees convene only once a month, obtaining approval for emergency enforcement action may be difficult; and (4) the periodically changing compositions of the advisory committees may not result in enough continuity to provide consistent enforcement decisions. (page 45)

Although the State Licensing Act requires that anyone operating a child care facility without a license be fined from \$75 to \$250 a day, the bureau cannot directly sanction unlicensed centers. The bureau must ask the courts to enjoin unlicensed centers from operating and to levy statutorily-designated fines. (page 46)

Matters for Legislative Consideration

The legislature may wish to consider amending the state's **Child Care Facility and Child-Placing Agency Licensing Act** to:

- ♦ **Remove the requirement that the day care advisory committees consent to enforcement actions.** (page 46)
- ♦ **Authorize the Department of Social Services to levy and collect fines from unlicensed centers and to require the bureau to establish procedures for implementing the statutory authority.** (page 46)

Formal Licensing Policies and Procedures

The Bureau of Licensing did not have complete, written policies and procedures for licensing and monitoring day care centers. The bureau's monitoring practices and its relatively low staffing levels have resulted in approximately 166 (18%) of the 924 Class A day care centers not receiving statutorily-required annual inspections. (pages 29-35)

About 62 percent of the day care licenses issued during the last 12-month period were provisional licenses. However, the bureau had no written policies for their use or issuance. Although provisional licenses should be used to give day care

centers limited amounts of time to correct licensing violations, some providers have had provisional licenses for almost three years. (pages 36-37)

The bureau also had no system for identifying and investigating unlicensed providers. Bureau staff allowed one unlicensed provider to operate for three years. (pages 28-29; 32)

We recommended that the Department of Social Services:

- ♦ Develop and provide all staff with a policy and procedures manual. (page 30)
- ♦ Establish a system for identifying unlicensed providers. (page 29)
- ♦ Establish policies regarding the operation of unlicensed providers. (page 33)
- ♦ Require that licensing staff conduct annual inspections of day care centers as required by law. (page 35)
- ♦ Develop formal policies and procedures for issuing and monitoring provisional licenses. (page 37)

Summary of Agency Response

The Department of Social Services concurred with our recommendation to establish a system for identifying unlicensed providers. Department officials maintained that they worked with unlicensed providers but agreed to seek assistance in improving current procedures.

However, the department did not concur with our recommendation to improve staff productivity and licensing coverage by conducting licensing inspections every 12 months rather than on centers' anniversary dates. The Department of Social Services did not concur with the remaining two recommendations.

Department officials responded that although policies and procedures were not "in a format that the reviewer found acceptable," they did exist and were disseminated at monthly staff meetings and training sessions. They also responded that issuing and monitoring provisional licenses should be based on judgmental decisions.

Auditors' Comments

We found policies and procedures incomplete and informal. The audit also revealed that under current practices, the bureau had improperly allowed centers to operate for as long as three years without licenses or with provisional licenses.

Complaint Investigation

The Department of Social Services' procedures, coordination, monitoring, and record keeping for child abuse complaints did not ensure the safety of children in day care centers. (pages 42-43)

Policies, procedures, and practices also did not ensure the prompt and appropriate resolution of all complaints against day care centers. Bureau officials did not have a system to adequately monitor the status and disposition of complaints. Furthermore, complaints were not promptly investigated, and complaint records were incomplete. (pages 37-41)

We recommended both policy and procedural changes for monitoring and investigating day care complaints. (pages 39, 40, 41, 43)

Summary of Agency Response

The department concurred with recommendations to develop formal procedures and to monitor complaints more frequently. They did not agree to provide licensing surveyors with historical information in complaint and licensing files before they inspected centers or investigated new complaints.

Matter for Legislative Consideration

The Legislative Audit Advisory Council may wish to consider requesting a performance audit of Louisiana's child abuse intervention program. (page 44)

Staffing

Although the Bureau of Licensing had been understaffed, it has been allocated additional personnel. However, licensing staff must now monitor Class B centers as well as Class A centers, and bureau officials did not plan to use all new staff for routine monitoring. At their current inspection rate, surveyors could be unable to annually inspect 21 percent--over 400--of the licensed centers. (pages 47-49)

We recommended that the Department of Social Services re-evaluate the policy of using new staff to conduct random, unannounced inspections and, instead, institute a system to ensure that all centers are annually inspected. (page 50)

Summary of Agency Response

The Department of Social Services concurred with this recommendation and has implemented it.

Management Information System

The bureau's ability to effectively and efficiently monitor day care centers is impaired because it has an inadequate and obsolete management information system. The bureau's computerized information system cannot provide basic information necessary for planning and monitoring licensing activities. (pages 55-56)

We recommended that the Department of Social Services monitor the implementation and ongoing use of a proposed computerized information system to ensure that it meets current and anticipated needs. (page 56)

Summary of Agency Response

The Department of Social Services concurred with this recommendation.

Personnel and Training Practices

Bureau of Licensing officials need to improve personnel and staff training practices. The Department of Social Services does not have a performance appraisal system that provides necessary and useful information on employees' job performance. (pages 50-53)

While the bureau's informal supervision and training is adequate, bureau officials need to develop a formal training program, document employees' training, and routinely compare staff's training needs against training received. (pages 54-55)

We recommended that Department of Social Services officials develop both a performance appraisal system and a training plan for licensing staff. (pages 53 and 55)

Summary of Agency Response

The Department of Social Services did not accept the recommendation to institute a performance appraisal system. However, they concurred with the recommendation to improve the bureau's training program.

Chapter One: Introduction

This audit of day care regulation was conducted by the Performance Audit Group of the Office of Legislative Auditor. The audit objectives were to determine whether:

- ♦ the state's current day care standards are sufficient to ensure the safety and quality of day care programs;
- ♦ the Department of Social Services adequately monitors and enforces the standards;
- ♦ day care surveyors are properly trained and supervised; and
- ♦ state staffing levels are sufficient to provide adequate regulation.

Report Conclusions

Louisiana's 1,880 day care centers can choose to be licensed under one of two sets of standards: Class A or Class B. Class A standards are more stringent than are Class B standards. Thus, all children in licensed centers are not guaranteed the same level of protection by state regulation.

The Department of Social Services' Bureau of Licensing has few formal procedures and an inadequate *management information system*. The bureau's *monitoring practices* and its relatively low staffing levels have resulted in approximately 166 (18%) of the Class A day care centers not receiving statutorily-required annual inspections.

Although the bureau had been understaffed, it now has *additional personnel*. However, the way bureau officials plan to use the additional staff may not ensure that all day care centers are adequately monitored. Licensing staff are now required to monitor both Class A and Class B centers. If they continue to monitor at their present rate, the percentage of centers that will not be annually inspected will increase from 18 percent to 21 percent--over 400 day care centers.

Although the State Licensing Act, which was adopted in 1985, requires annual inspections of both Class A and Class B providers, the bureau did not begin inspecting the state's 841 Class B centers until June 1991. It could not inspect Class B centers because there were no Class B standards. The State Licensing Act had given advisory committees the responsibility for developing licensing standards. However, the Class B advisory committee did not adopt standards until 1990.

The Bureau of Licensing does not have statutory authority to enforce day care standards. The State Licensing Act requires that the bureau obtain the consent of the appropriate advisory committee before enforcement. This may significantly impair the bureau's ability to ensure that day care centers comply with licensing requirements.

Audit Initiation

In June 1991, a national television program examined the issue of child day care. The program, which featured three day care centers in the New Orleans area, alleged that two of the centers provided inadequate and unsafe care. It also questioned the adequacy of the Louisiana Department of Social Services' enforcement of day care regulations.

The program elicited considerable controversy culminating with the introduction of at least three bills on day care regulation. The bills, which were introduced during the Third Extraordinary Legislative Session of 1991, would have restructured the state's current day care regulation program. Two basic questions surfaced during the bills' consideration:

- ♦ Did the state's day care licensing act need to be revised?
- ♦ Did the Department of Social Services need to improve its monitoring and enforcement of existing standards?

The legislature did not enact any day care legislation during the extraordinary session. Instead, the day care issue was deferred for consideration at a later date.

The Office of Legislative Auditor initiated this audit in September 1991. The audit is to provide legislators with

objective and independent information concerning the state's day care regulation program. It addresses concerns raised in the legislative hearings during the extraordinary session.

Program Background

The Department of Social Services' Bureau of Licensing is responsible for regulating Louisiana's 1,880 day care centers. The state's Child Care Facility and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 *et sec.*) (State Licensing Act) defines a day care center as

. . . any place or facility operated . . . for the primary purpose of providing care, supervision, and guidance of seven or more children not related to the caregiver and unaccompanied by parent or guardian, on a regular basis for at least twenty hours in a continuous seven-day week . . .

Louisiana began licensing day care centers in 1956 when the state's first licensing law was enacted. Initially, all day care providers who cared for 10 or more unrelated children under the age of 17 were licensed and monitored by the Louisiana Department of Public Welfare.

Between 1956 and 1990, responsibility for monitoring day care centers was given to various agencies. Licensing staff also regulated other types of service providers, including such diverse entities as nursing homes, residential group homes, and child detention centers. In October 1990, responsibility for licensing day care centers and some other types of service providers was transferred to the Department of Social Services. The department's Bureau of Licensing administers the program. Table 1-1 on page 4 lists the types and numbers of providers the bureau regulates.

State licensing requirements have been modified throughout the years. In 1980, the State Licensing Act was amended to require the licensing of all day care providers that received state or federal funds and that were not operated by the state. Day care providers that did not receive public funds had the option of being licensed. Those who chose not to be licensed were to be registered with the state. These registered providers did not have to meet state day care regulations and were not inspected or monitored.

In 1985, the State Licensing Act was again amended to create two classes of licenses: Class A and Class B. State law prohibited Class B centers from receiving federal, state, or local funds.

Facilities licensed on September 1, 1985, were automatically issued Class A licenses. Facilities registered on September 1, 1985, were automatically issued Class B licenses. The new law also established an advisory committee for each class of license. The committees were composed of day care and other licensed service providers, parents, and community and agency representatives. They were charged with developing standards for Class A and Class B providers, advising the state on regulation issues, and consenting to enforcement actions.

The State Licensing Act required that both Class A and Class B day care centers receive annual inspections.

However, prior to June 1991, licensing staff did not inspect Class B centers. They were unable to inspect the centers because the Class B advisory committee had not adopted Class B standards.

During our fieldwork, the Department of Social Services' Bureau of Licensing was staffed by a director, an assistant director (who did not deal with day care regulation), 2 day

care supervisors, 13 surveyors, one surveyor trainee, and 7 support staff. Between the close of our fieldwork and January 31, 1992, 13 new staff were hired. Thus, the current

Table 1-1

**Service Providers Regulated by
Department of Social Services'
Bureau of Licensing 11/22/91**

Day Care Centers	1,880
Adoption Centers	28
Foster Care	53
Case Management	61
Personal Care Attendants	21
Respite Care	24
Maternity Homes	4
Adult Day Care	117
Family Violence Centers	12
Family Support	28
Early Infant Intervention	18
Supervised Independent Living	55
Juvenile Detention Centers	7
Emergency Shelters	10
Children's Residential Care	68
Adults' Residential Care	<u>41</u>
Total	<u>2,427</u>

Source: Department of Social Services
Director of Licensing

staff consists of a director, an assistant director (who does not deal with day care regulation), 3 day care supervisors, 18 surveyors who conduct routine annual and follow-up surveys, 6 surveyors who will conduct random unannounced inspections, and 9 support staff. Exhibit 1-A on the following page is the bureau's current organization chart.

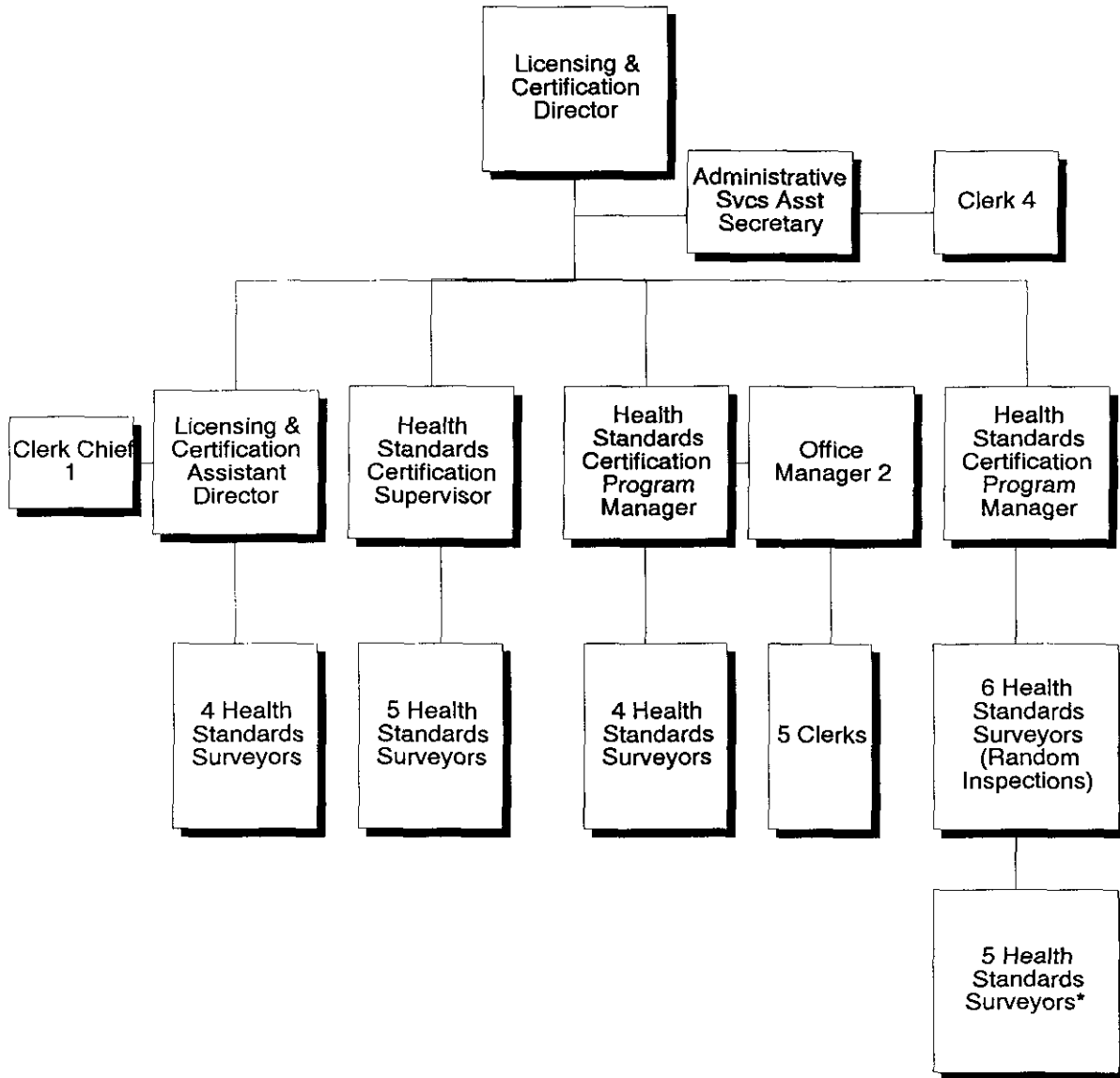
Surveyors are to conduct annual and follow-up inspections of both Class A and Class B day care centers. They also inspect the other service providers shown in Table 1-1. According to the Director of Licensing, these six newly hired surveyors will not conduct routine annual and follow-up surveys as do the other surveyors. They will conduct random unannounced inspections of centers to verify centers' compliance with certain "key standards." Thus, each of the 18 surveyors who are responsible for routine surveys has an average caseload of 135 licensed facilities, 104 of which are day care centers. This is almost twice the recommended caseload for day care surveyors.

Exhibit 1-B on page 7 shows the numbers of Class A and Class B day care centers in each parish. Surveyors are domiciled in seven geographic regions of the state. Each surveyor primarily inspects and monitors centers located in his or her region but may be called upon to assist in other regions. The surveyors are to conduct full inspections or "surveys" of licensed centers once each year. Generally, if day care providers do not comply with all significant day care standards, the centers are issued provisional or extended licenses rather than full licenses.

Surveyors then conduct follow-up surveys to determine if identified deficiencies have been corrected. After the deficiencies have been corrected, the Department of Social Services issues full licenses. Surveyors often return to deficient centers several times before all deficiencies are resolved. Sometimes, centers do not correct all deficiencies or surveyors do not promptly reinspect the centers. As a result, some day care centers have operated under provisional licenses for extended periods of time.

Surveyors also investigate complaints against day care centers. Bureau of Licensing staff generally do not investigate child abuse complaints. These complaints are forwarded to the child protection authorities within the Department of Social Services' Office of Community Services (OCS). The Bureau of Licensing receives reports from the OCS, which are included in the bureau's files. The bureau does not make complaints available for public inspection.

Exhibit 1-A
Department of Social Services
Bureau of Licensing
Organization Chart
January 31, 1992

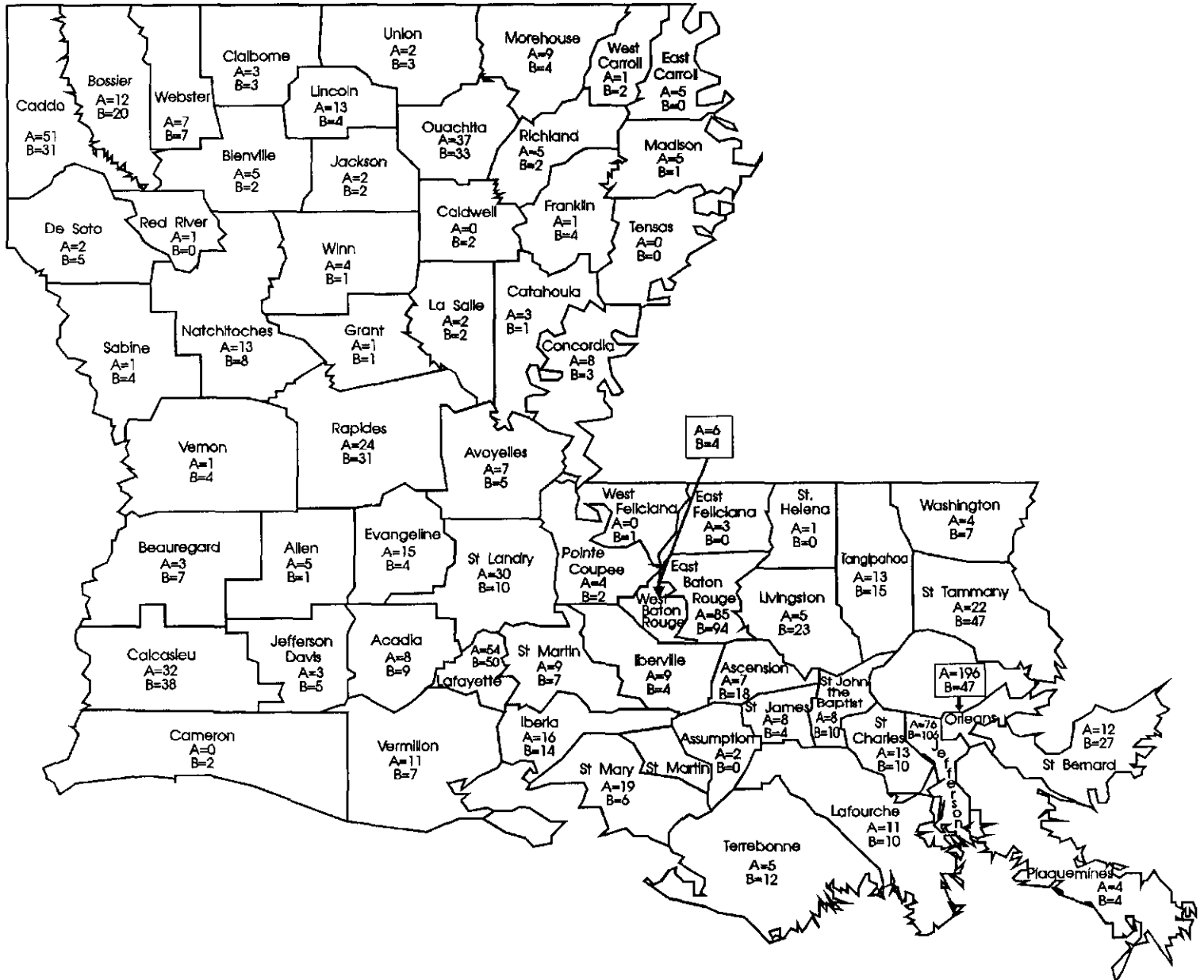


Source: Undated Department of Social Services' organization chart; revised by legislative audit staff based on information provided by Director of Licensing.

* Some of these surveyors will be moved to another program manager or supervisor once trained.

Exhibit 1-B

Numbers of Class A and Class B Day Care Centers by Parish September 10, 1991



Source: Prepared by legislative audit staff from data obtained from Department of Social Services' Director of Licensing.

Surveyors must monitor compliance with two types of day care standards: Class A and Class B. As of November 22, 1991, there were 1,880 licensed day care centers in Louisiana. Approximately 55 percent (1,039) held Class A licenses. The remaining 45 percent (841) held Class B licenses.

It is sometimes asserted that the less stringent Class B licenses were created to accommodate church-run day care centers. However, today most Class B centers are not church-operated. Table 1-2 shows the numbers and percentages of church-run and nonchurch-run day care centers by licensing type.

Table 1-2
Types of Day Care Providers by Licensing Class
September 10, 1991

<u>Type of Day Care Provider</u>	<u>Class A</u>		<u>Class B</u>		<u>Total</u>	
	<u>No.</u>	<u>Percent</u>	<u>No.</u>	<u>Percent</u>	<u>No.</u>	<u>Percent</u>
Church-run	105	11.3	193	24.4	298	17.4
Nonchurch-run	819	88.7	597	75.6	1,416	82.6
Total - All Types	924	100.0	790	100.0	1,714	100.0

Source: Department of Social Services' records

Note: Department of Social Services' staff prepared this information as of September 10, 1991. The total number of licensed day care centers increased by 166 between that date and November 22, 1991; thus, the totals shown in Table 1-1 and Table 1-2 do not agree.

Day care centers are not only inspected by Department of Social Services' surveyors, they are also inspected by the Office of State Fire Marshal and the Office of Public Health. Centers must also comply with building standards and local zoning ordinances. Centers in New Orleans are also inspected by the city's fire department. Licensing surveyors verify that these inspections have been made when they conduct their annual surveys.

Officials of the Department of Social Services could not tell us how much they had spent or budgeted for day care regulation. However, the Director of Licensing projected fiscal year 1992 expenditures relating to day care regulation. His

figures did not include payroll and benefits expenses. After factoring in figures for personnel expenses, we estimated that fiscal year 1992 expenditures for day care regulation will range from approximately \$792,000 to \$966,000.

Scope and Methodology

This audit was conducted under the provisions of Title 24 of the *Louisiana Revised Statutes of 1950, As Amended*. All performance audits are conducted in accordance with generally accepted government auditing standards as promulgated by the Comptroller General of the United States. Preliminary audit work began in August 1991, and fieldwork was completed in November 1991.

We reviewed and analyzed state licensing laws, standards, regulations, policies, and procedures. We examined day care inspection, complaint, personnel, and training records. Job specifications, position descriptions, the civil service examination for licensing surveyors, and other pertinent documents were analyzed. Legislative audit staff accompanied surveyors on scheduled day care inspections.

We assessed the Bureau of Licensing's management information system and the day care program's internal controls system. We also examined reports and workpapers prepared by the Office of Legislative Auditor's financial auditors. We reviewed reports on day care regulation prepared by other state audit and research agencies, federal agencies, and various research and advocacy groups.

We conducted a mail survey of day care regulators in the other 49 states and the District of Columbia. Thirty-nine states and the District of Columbia responded to our survey. The survey, along with a summary of responses, is included in *Appendix B of this report*.

We conducted two other mail surveys. The first one surveyed the 14 surveyors of the Bureau of Licensing who were on staff when the questionnaire was mailed. All but one surveyor responded. The second questionnaire surveyed the 28 members of the Class A and Class B advisory committees. We received 21 valid responses to this questionnaire. Copies of these questionnaires and summaries of responses are included in *Appendix C and Appendix D*.

We also attended both Class A and Class B committee meetings and met with representatives of the Louisiana Professional Association for Child Care. We interviewed representatives from other public agencies, child care groups, and the Department of Social Services, including licensing, quality assurance, and child protection personnel. We interviewed advisory committee members, day care providers, children's welfare advocates, officials of the U.S. Department of Health and Human Services, and officials of the Louisiana State Police, Office of State Fire Marshal, Department of Education, and Department of Civil Service.

Two file searches of Department of Social Services' records for day care centers were conducted. We selected statistically valid systematic random samples at a 90 percent confidence level with a 10 percent confidence interval. That is, we can be 90 percent confident that the populations represented fall within plus or minus 10 percentage points of the sample results.

We examined a sample of licensing records for the past three licensing years for the 924 Class A day care centers licensed as of September 10, 1991. Our second sample was of the 210 Class B centers that had been inspected by October 10, 1991, the date we began our examination. We examined both samples to determine if surveyors had conducted required licensing and follow-up surveys and if licensing supervisors had reviewed survey findings. We also identified the types of deficiencies found and assessed other pertinent licensing information. A detailed explanation of the methodology used to conduct the file searches is in Appendix A.

We also conducted two separate examinations of complaints filed against day care centers. We first examined all complaints made during the month of August 1991 (the month Bureau of Licensing staff began recording and assigning sequential numbers to complaints). We determined the nature, date, and disposition of each complaint as well as the Department of Social Services' response time. We also examined all complaints alleging child abuse and neglect recorded between August 1, 1991, and October 31, 1991. For these complaints, we examined the Department of Social Services' response time, assessed the coordination between abuse investigators and licensing staff, and identified the disposition of each allegation. A detailed explanation of the methodology used to examine complaints is also in Appendix A.

Throughout the report, the number of Class A and Class B day care centers are reported as of two different dates. The number of Class A day care centers is shown as of September 10, 1991 (924 Class A centers) and as of November 22, 1991 (1,039 Class A centers). The number of Class B day care centers is shown as of September 10, 1991 (790 Class B centers) and as of November 22, 1991 (841 Class B centers). We were required to report as of two different dates because the Bureau of Licensing's computerized information system does not produce periodic management reports. All information on the number of day care centers was of the dates of our information requests. Licensing staff compiled most of this information manually.

Report Organization

The remainder of this report is organized into three additional chapters.

- ♦ **Chapter Two** addresses the state's licensing standards for child day care centers.
- ♦ **Chapter Three** addresses the Bureau of Licensing's monitoring and enforcement practices.
- ♦ **Chapter Four** addresses the management of the day care regulation program.

Officials of both the Department of Social Services and the Office of State Police were given an opportunity to provide written responses to report conclusions and recommendations. Excerpts of these responses have been inserted in the report directly following the relevant conclusions or recommendations and are paraphrased in the report's executive summary. The agencies' response letters and their full text of responses are also included as Appendix F.

In some instances, the Department of Social Services did not agree with our findings. As required by generally accepted government auditing standards, further explanations of those findings are provided as "Auditors' Comments" immediately following the department's responses.

Chapter Two: Licensing Standards

Chapter Conclusions

Louisiana's 1,880 day care centers can choose to be licensed under one of two sets of standards. Because these standards have different requirements, all children in licensed facilities are not guaranteed the same level of protection by state regulation.

Louisiana's system of child care regulation is not comprehensive. While some unlicensed facilities (such as public pre-kindergartens and kindergartens) are adequately monitored by other agencies, some day care providers are unregulated.

Two-Tiered Licensing System

The state's day care licensing program does not ensure that all children in Louisiana's day care centers are afforded the same level of regulatory protection. Louisiana's 1,880 day care centers can choose to be licensed under Class B or the more stringent Class A standards. Louisiana began its dual licensing system in 1985. According to day care officials, the State Licensing Act specified two tiers of licensing because a consensus on the desired level of regulation could not be reached.

Few states allow day care centers to choose between two sets of standards. Of 40 respondents to our survey of state day care regulators, only North Carolina offers centers a choice of licenses. Although North Carolina has two sets of day care standards, both standards meet or exceed Louisiana's more stringent Class A standards.

Some provisions of both Class A and Class B standards represent significant weaknesses in the state's day care licensing program. Some variations between the standards may weaken regulation. The impact of other variations in standards is less apparent. Appendix E of this report summarizes the primary differences between the two sets of standards.

Criminal Background Checks

State agencies charged with implementing one key provision of the State Licensing Act have been unable to do so. Both Class A and Class B standards require that employees of day care centers be fingerprinted to comply with the Louisiana Child Protection Act (LSA-R.S. 15:587.1 *et sec.*). The state police are to match fingerprints against state criminal records and to request that the Federal Bureau of Investigation "supply like information from other jurisdictions." These fingerprint checks are to identify potential day care workers who have been convicted of or who have entered a no contest plea to crimes specified in the Louisiana Child Protection Act.

The state police do not request Federal Bureau of Investigation background checks. State police officials say that they lack staff for these checks and that the FBI charges \$23 for each background check.

The state police are over 18 months behind in performing fingerprint checks. While some records are computerized, others must be manually reviewed. State police officials say they lack adequate staff to promptly complete the reviews.

Representatives of the U.S. Department of Health and Human Services say that upgrading the state's system for completing fingerprint checks for day care workers is an acceptable expenditure of Child Care and Development Block Grant funds. Both the state police and the Department of Social Services have inquired about the availability of federal money to improve and staff the state police's fingerprint system. However, no state or federal money has yet been allocated for this purpose.

When completed, fingerprint checks identify individuals guilty of crimes delineated in the Louisiana Child Protection Act. However, they do not identify individuals who have been found guilty of other potentially relevant crimes. For instance, they do not identify persons convicted of driving while intoxicated. This may be a problem because staff in some day care centers transport children to school and other events.

Class A day care standards prohibit the employment of convicted felons. However, fingerprint checks do not currently provide information on persons guilty of all felonies.

Recommendation 1

The Secretary of the Department of Social Services should work with the Deputy Secretary of the Office of State Police to identify and obtain resources to ensure that the fingerprint checks comply with statutory intent of the Child Care Facility and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 *et sec.*). They should expand the checks to include statutorily-required reviews by the Federal Bureau of Investigation and examine ways to identify individuals convicted of felonies and other relevant crimes, such as repeated citations for driving while intoxicated.

Department of Social Services' Response

We concur with the importance of full and prompt fingerprint checks to the extent that is stipulated under the law. The Deputy Secretary has met with officials of the Office of State Police to discuss this problem.

Office of State Police's Response

We are basically in agreement with your findings regarding the State Police Bureau of Identification under title, "Criminal Background Checks". . . . it is our full intention to coordinate with the Department of Social Services and anyone else necessary to resolve the problems we find in implementing child protection laws.

Corporal Punishment

The State Licensing Act authorizes staff of Class B day care centers to use corporal punishment to discipline children if parents provide written consent that specifically permits day care staff to use corporal punishment. However, neither licensing standards nor state law provides clear guidelines for administering corporal punishment. Thus, there is a potential for child abuse. Owners of day care centers also may be held liable should an employee be found guilty of abuse.

Class B standards state that physical punishment is acceptable as long as it is not cruel, severe, or unusual. However, the terms, "cruel," "severe," and "unusual" are not defined, and individual interpretations may vary. There are also no prohibitions against corporal punishment administered to infants.

The national television program that depicted day care centers in Louisiana illustrated the types of problems that can develop when corporal punishment is permitted without clear guidelines for its use. The program showed a day care worker repeatedly striking an eight-month-old child on the head. When the program moderator asked the day care operator about the incident, the operator denied that the child had been struck.

Our interviews with day care officials revealed confusion over the legal permissiveness of this type of corporal punishment. The Director of Licensing said that Class B standards permitted corporal punishment and that the child's parents had given written permission for its use because the child had "behavioral problems."

Licensing officials provided us with a copy of an undated document in which the child's mother had given the day care center's employees permission to "use a slap (one or two) on the buttocks" as punishment. Although the actual punishment did not meet the limitations specified in the written permission, subsequent correspondence by the child's mother indicated that she supported the day care worker's actions. Bureau of Licensing officials subsequently provided us with a copy of a document showing that the Department of Social Services' Office of Community Services had investigated this incident and referred it to the appropriate authorities.

Our reviews of alleged child abuse complaints showed that allegations of abuse in day care settings were hard to substantiate. In several instances, there were strong indications of abuse documented, but investigators could not prove that abuse had occurred. Identifying and proving abusive acts are particularly difficult when they involve very young children who often cannot communicate well. The difficulty is compounded when children are cared for in centers that may experience significant staff turnover.

Matter for Legislative Consideration 2.1

The legislature may wish to consider amending the **Child Care Facility and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 *et sec.*)** to prohibit the use of corporal punishment in all day care centers.

Convicted Felons

The State Licensing Act allows Class B day care centers to hire convicted felons with the written approval of a district judge and the local district attorney. There are no restrictions on the types of exceptions that can be made in approving the hiring of felons.

Felonies range from issuing worthless checks for \$100 or more to first degree murder. They include such crimes as rape, sexual battery, and sex crimes involving juveniles. While issuing a worthless check does not, in itself, affect the ability of an individual to care for children, convictions for other types of felonies are more problematic.

The State Licensing Act requires that Class B centers keep the written approval to hire a felon on file and to produce it for any law enforcement officer upon request. Bureau of Licensing officials had interpreted this to mean that licensing surveyors did not have the authority to review the documentation. As part of our fieldwork, we obtained a legal opinion which stated that licensing staff did have the authority to review these records. This opinion was shared with the Director of Licensing. After we initially discussed this issue with the Director of Licensing, he advised his staff to request this information.

Matter for Legislative Consideration 2.2

The legislature may wish to consider amending the Child Care Facility and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 *et sec.*) to either prohibit employment of convicted felons by day care centers or to allow employment of convicted felons with written permission of a district judge and the local district attorney except when the conviction was for a crime involving children.

Variations Between Standards

Aside from corporal punishment and the employment of convicted felons, several other variations between Class A and Class B day care standards need review. Both sets of regulations address the issues of health and safety, physical premises, and prevention and control of communicable diseases. However, the Class A regulations governing these areas are generally more stringent than the Class B regulations. (Appendix E includes a more comprehensive comparison between major Class A and Class B standards.) In particular, variations exist regarding:

- ♦ liability insurance;
- ♦ parental notification;
- ♦ nutritional requirements;
- ♦ play space;
- ♦ group sizes;
- ♦ communicable disease control; and
- ♦ staff training.

Liability Insurance. Class A day care centers are required to maintain liability insurance while Class B centers are not. Some Class B centers may maintain liability coverage as a standard business practice. However, some may not wish to incur the added costs of liability insurance. Accordingly, some children may be cared for in centers that do not have the safety features an insurer would require. Furthermore, both parents of children in the centers and center owners are at financial risk should a child be injured while at day care.

Parental Notification. Regulations for Class A centers require that the centers notify parents of their right to visit during normal operating hours and of the procedure for filing day care complaints. Class B centers are not required to notify parents of these rights and may choose not to. Parental visits can supplement the Bureau of Licensing's monitoring and keep parents aware of the type of care their children are receiving. If parents do identify day care problems, they should be aware of the process for bringing the problems to the attention of the Bureau of Licensing.

Play Space. The amount of outdoor play space required for each child in Class A centers differs from the Class B requirements. In Class A centers, each child must have at least

35 square feet of indoor play space. Class A centers must also have 75 square feet of outdoor play space for at least half of their approved capacities. These space allotments agree with space requirements suggested by the National Association for the Education of Young Children. Class B centers must also have 35 square feet of indoor play space per child. However, there is no requirement for the amount of outdoor play space in Class B centers.

Nutritional Requirements. Nutritional requirements are more stringent for Class A centers than for Class B centers. Class A centers must (1) serve hot meals to children who are in care for five hours or more; (2) serve breakfast to children who have not had breakfast before coming to their centers; (3) ensure that children in their care for more than four hours receive enough food to supply one-half to two-thirds of the National Research Council's current Recommended Daily Allowances; and (4) follow the U.S. Department of Agriculture's Child Care Food Program's specified patterns for meals and snacks. Class B day care centers do not have these requirements. Although food cannot be sold to children in Class A centers, Class B standards do not address this issue.

Group Size. Class A regulations limit group size. The group size limitations are set according to the children's ages. Keeping group sizes to manageable levels minimizes health and safety threats and may enhance child development. Class B centers have no limits on the number of children in each group.

Communicable Disease Control. The day care center regulations differ in requirements for controlling communicable diseases. Class A regulations require physicians' statements that children are free from communicable disease before they are admitted to day care centers. Class B regulations do not have this requirement. Consequently, children may be admitted to Class B centers with communicable diseases that could affect the health of the other children in the centers.

Day Care Staff Training. Employees of Class A day care centers are required to have more on-going training than are employees of Class B day care centers. The staff in Class A centers must receive 12 hours of training each year and must participate in one staff training session and one staff meeting each quarter. The staff meetings can include matters such as planning programs, sharing new materials, and discussing center policy. The 12 hours of training must be in one of nine subject areas: (1) child growth and development; (2) child care programming

and activities; (3) health and safety practices; (4) nutrition and good eating habits; (5) design and use of space; (6) working with parents; (7) recognizing symptoms of abuse and neglect; (8) discipline and guidance techniques; and (9) administration and record keeping.

On the other hand, staff employed by Class B centers have less stringent training requirements. Class B employees are required only to participate in one staff training session each quarter. The session can include such matters as planning programs, sharing new materials, and discussing center policy. There is no mandatory length of time these sessions should last. There are only general requirements for course content.

Class B day care centers are not allowed to participate in the Bureau of Licensing's training programs. The State Licensing Act prohibits Class B centers from directly or *indirectly* (emphasis added) receiving public funds. The Department of Social Services' legal counsel interpreted this statement to mean staff from Class B centers cannot participate in state-sponsored training programs. The legal counsel said that the intent of the dual licensing system was that, in exchange for less stringent licensing requirements, Class B centers were to forego the receipt of federal, local, or state funding.

Class B providers we interviewed voiced their dismay over this situation. Members of the Class A and Class B child care advisory committees tended to agree with the Class B centers on this issue. Of the 21 committee members responding to our questionnaire, 18, or 86 percent, said that Class B providers should be offered the same training as Class A providers. However, many Class A committee members added that the Class B providers should be assessed a fee to cover the cost of the training.

The Department of Social Services sponsors training for day care providers. The department is funding some of this training with Child Care and Development Block Grant money. The U.S. Department of Health and Human Services administers the grant.

Representatives of the U.S. Department of Health and Human Services said that the use of block grant funds to improve services in Class B centers would comply with the intent of the grant. However, they said the Department of Social Services does not have to allow Class B centers to attend training funded by the block grant.

Matter for Legislative Consideration 2.3

The legislature may wish to consider abolishing the two-tiered licensing system. If it chooses not to do so, it may wish to consider amending the Child Care Facility and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 *et sec.*) to allow Class B facilities to participate in government-sponsored day care training.

Impact of Two-Tiered Licensing System

Allowing day care centers to choose between two types of licenses, one less stringent than the other, creates a system wherein centers with one license can be perceived as substandard to those with the other. Requiring Bureau of Licensing staff to monitor centers with both types of licenses can also be confusing to licensing surveyors who must be familiar with both sets of standards as well as requirements for the other 15 programs they regulate.

Nineteen of 21 Class A and Class B committee members responding to our questionnaire (91%) stated that Louisiana should promulgate one set of day care regulations instead of two. The State Licensing Act states that its purpose is to protect the health, safety, and well-being of children who are in day care. By allowing day care centers to choose a lower set of standards, all children may not be guaranteed the same level of protection and care.

Matter for Legislative Consideration 2.4

The legislature may wish to consider revising the Child Care Facility and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 *et sec.*) to mandate one set of standards for day care centers.

Development of Standards

The two day care advisory committees did not promptly develop day care standards. The State Licensing Act created advisory committees for both Class A and Class B day care centers. These committees were charged with developing and revising day care standards for their respective day care providers. Although the State Licensing Act was adopted in 1985, neither committee promptly developed standards for licensure.

Although the State Licensing Act required the monitoring of Class B centers, the bureau was unable to do so until June 1991 because the Class B committee did not develop standards until 1990, five years after the act was adopted. In order to comply with provisions of the Administrative Procedures Act, to train licensing staff, and to inform providers of the new standards, the bureau did not begin inspecting Class B centers until June 1991.

The Class A committee adopted standards on July 20, 1989. During the intervening four years, the Bureau of Licensing monitored Class A centers using an existing set of standards.

Both the Class A and the Class B committees are composed of citizens who live throughout the state. While members of the Class A advisory committee are reimbursed travel expenses, they serve without compensation. Members of the Class B advisory committee are neither paid for their services nor reimbursed for their travel expenses. The committees have no staff. This type of arrangement makes it difficult for a committee to develop standards. Not having required standards and monitoring has both monetary and social costs. The current structure of the advisory committees has impaired their ability to develop standards. It would be more cost-effective if the advisory committees were to review, modify, and approve standards prepared by full-time Bureau of Licensing staff.

Matter for Legislative Consideration 2.5

The legislature may wish to consider amending the **Child Care Facility and Child-Placing Agency Licensing Act (LSA-R.S. 46:1401 et sec.)** to require that staff of the **Department of Social Services develop and propose**

revisions to day care standards and that members of day care advisory committees review, modify, and approve them.

Extent of Program Coverage

Some day care providers are not regulated by the state. Others are not monitored by the Department of Social Services but are regulated by other state agencies. Some unregulated providers pose minimal risk to the safety and well-being of the children in their care. Not regulating other types of providers may represent significant gaps in the state's day care regulation program.

The State Licensing Act requires that day care centers be licensed. The act defines day care centers to include day care facilities caring for 7 or more children, not related to the caregiver, for at least 20 hours a week. The act excludes some types of day care providers from regulation even though they meet the definition of day care center. While many children are enrolled in licensed day care centers, many are cared for by other types of unlicensed providers. The Bureau of Licensing does not regulate:

- ♦ day care providers caring for fewer than seven unrelated children;
- ♦ *pre-kindergarten and kindergarten programs operated by schools; and*
- ♦ part-time and seasonal care.

Day Care Homes

Most of the state's day care providers are not regulated by the Bureau of Licensing. Providers caring for fewer than seven unrelated children are neither licensed nor monitored by the bureau.

Many parents choose to have their children cared for in home settings or by providers who care for a small number of children. Act 901 of 1990 requires the state registration of family day care homes receiving public funds. However, the

Department of Social Services does not inspect or monitor these or any other day care homes.

The bureau's fiscal year 1991-92 operational plan states that there are between 5,000 and 10,000 registered day care homes in the state. The plan does not include an estimate of the number of day care homes that do not receive public funds and, thus, are not registered. However, plan estimates suggest that, at a minimum, between 73 percent and 84 percent of the state's day care providers are unregulated.

Many states use the number of children per provider as a benchmark for determining the level of provider regulation. Some states make a distinction between day care centers, which care for many children, and day care homes, which care for few children. The results of our questionnaire to other state regulatory agencies suggest that many states do not regulate day care homes as closely as day care centers. However, 46 of the other 50 states and the District of Columbia have mandatory systems with monitoring inspections for family day care homes serving seven unrelated children.

School-based Care

While the state regulates pre-kindergartens and kindergartens operated by public and Montessori schools, pre-kindergartens and kindergartens operated by private schools are unregulated. The Bureau of Licensing does not license or monitor these public and Montessori preschools. However, the Department of Education monitors public pre-kindergartens and kindergartens and oversees the monitoring of Montessori schools.

The Department of Education's standards are generally more stringent than either Class A or Class B day care standards. Montessori schools are accredited through the Board of Elementary and Secondary Education and submit annual reports to the Department of Education. The Montessori Association is responsible for initial inspections and ongoing visits to the schools. The association applies its own criteria during the inspections. Department of Education officials say that these criteria are at least equivalent to state day care standards.

Pre-kindergartens and kindergartens operated by private schools are not required to meet day care standards and may not

do so. The bureau does not regulate them. They are required to submit annual reports to the Department of Education, but that department does not license or monitor them.

Part-time and Seasonal Care

Like many other states, Louisiana does not regulate part-time care, such as "mothers' day out" programs, church nurseries, and before- and after-school programs operating for fewer than 20 hours a week. Children cared for in some of these settings spend only a small amount of time each day in the programs. However, children may spend as many as four hours a day, five days a week in other programs, such as before- and after-school care.

Seasonal programs, such as summer day camps, are also unregulated. While children often register for summer sessions in one- or two- week increments, some children attend day camps all summer. The state does not license or monitor these programs.

While a significant percentage of Louisiana's day care providers are not licensed or monitored under the State Licensing Act, some programs are monitored under other, equally or more stringent, standards. Some types of care, for example, church nurseries, are of brief duration and are provided by volunteers or other caregivers who are well-known by parents and guardians. Other providers, however, give longer-term care for many children. Exempting day care homes, summer camps, and pre-kindergartens and kindergartens operated by private schools from regulation may represent gaps in the state's day care licensing program.

Matter for Legislative Consideration 2.6

The legislature may wish to consider examining the comprehensiveness of the state's day care regulation program.

Chapter Three: Monitoring and Enforcement

Chapter Conclusions

The State Licensing Act, which was adopted in 1985, requires annual inspections of both Class A and Class B centers. However, the bureau did not begin inspecting the state's 841 Class B centers until June 1991 because the Class B advisory committee did not adopt licensing standards until 1990.

The Bureau of Licensing does not have complete, written policies and procedures for monitoring day care centers. The bureau's monitoring practices and its relatively low staffing levels have resulted in approximately 166 (18%) of Class A day care centers not receiving statutorily-required annual inspections. About 62 percent of the day care licenses issued during the last three years were provisional licenses. However, the bureau has no written policies for their use or issuance.

The bureau does not have statutory authority to enforce the day care standards it is to monitor. The State Licensing Act requires the bureau to obtain the consent of either the Class A or Class B advisory committee before enforcement. This may significantly impair the bureau's ability to ensure that centers comply with licensing requirements.

Monitoring System

Once licensing standards for day care centers have been adopted, the licensing agency must establish a system for ensuring that centers comply with the standards. The system for ensuring compliance should include mechanisms for:

- ♦ identifying centers required to be licensed;
- ♦ inspecting centers and issuing licenses for specific durations;
- ♦ monitoring centers to ensure continued compliance and helping noncomplying centers to meet standards; and

- ♦ enforcing compliance with standards to ensure that substandard centers either improve or cease to operate.

Unlicensed Centers

The Bureau of Licensing does not have a system for identifying unlicensed day care centers. The State Licensing Act requires the licensing of day care providers that meet the following definition:

. . . any place or facility . . . for the primary purpose of providing care, supervision, and guidance of seven or more children not related to the caregiver and unaccompanied by parent or guardian on a regular basis of at least twenty hours in a continuous seven day week . . .

Day care providers, themselves, determine whether they meet the legal definition of day care centers. Providers caring for fewer than 7 unrelated children or providing fewer than 20 hours of care a week are not required to be licensed.

Prospective day care centers contact the Bureau of Licensing to request an informational packet specifying licensing requirements. If the provider determines it is appropriate and desirable to be licensed, the provider mails the application and a \$25 application fee to the Bureau of Licensing. Upon receipt of the application, the bureau schedules an initial licensing inspection.

Bureau of Licensing officials told us that they do not have a systematic method of identifying unlicensed day care centers. They said that staffing constraints have impaired their ability to promptly investigate providers that have been reported as unlicensed.

Members of the Louisiana Professional Association for Child Care also said that the bureau does not always investigate allegations of unlicensed providers. Several members told us that they had notified the bureau of unlicensed providers. They said that the bureau did not always follow up on their allegations.

Identifying entities that are legally required to be licensed but are not is a problem that few regulators have effectively solved. Limited staff and resources require that regulators

prioritize their activities to yield the most benefit for the least cost. Monitoring licensed centers tends to be more cost effective than searching for unlicensed providers.

However, not adopting some type of system to help ensure that all legally-defined day care centers are licensed contributes to two problems. First, the safety and well-being of children in unlicensed centers are not ensured. Second, unlicensed centers may not incur costs associated with meeting minimum safety and programmatic standards and, thus, may have an unfair business advantage over those who do meet state requirements.

Recommendation 2

The Department of Social Services should establish a system for identifying unlicensed providers. The system need not be elaborate or labor intensive and should be in keeping with the bureau's limited resources. It may be as simple as publicizing a telephone number for reporting unlicensed facilities and scheduling site visits to verify allegations.

Department of Social Services' Response

We concur, however, due to past budgetary constraints and staff shortages, we have had to prioritize our workloads. Our telephone number has been publicized over T.V., radio and newspapers during many interviews. Also, it is given out during every speaking engagement, at workshops, by other state agencies and by the Better Business Bureau.

Policies and Procedures

The Bureau of Licensing does not have complete, written policies and procedures for licensing and monitoring day care centers. When we requested licensing policies and procedures, bureau officials gave us copies of a series of memoranda and minutes of staff meetings. Some of the documents were identified as policy memoranda. Others were not. The documents were not comprehensive and were not classified in any organized manner.

Day care providers frequently told us that licensing interpretations varied by individual surveyor. While accompanying surveyors on site visits, we observed variations.

In other instances, policy decisions were handled individually by program managers. The decisions did not always appear consistent.

Formal, written policies and procedures are crucial to ensure that standards are uniformly and consistently applied. They are particularly important when surveyors work in various locations throughout the state and when resource constraints limit interaction among day care staff and day care providers. Having ready access to approved policies and procedures can help surveyors effectively use time and deal with providers.

Recommendation 3

The Department of Social Services should require the development of a policy and procedures manual that includes licensing policies, procedures, and interpretations. The manual should be regularly updated and disseminated to all licensing personnel.

Department of Social Services' Response

We agree with the importance of policies and procedures, however, disagree with the assumption that we do not have policies and procedures. They were not in a format that the reviewers found acceptable. Staff are updated on all changes as they occur through memos, monthly staff meetings and staff training sessions. We will work towards putting all policies and procedures in the format suggested by the reviewers.

Auditors' Comments

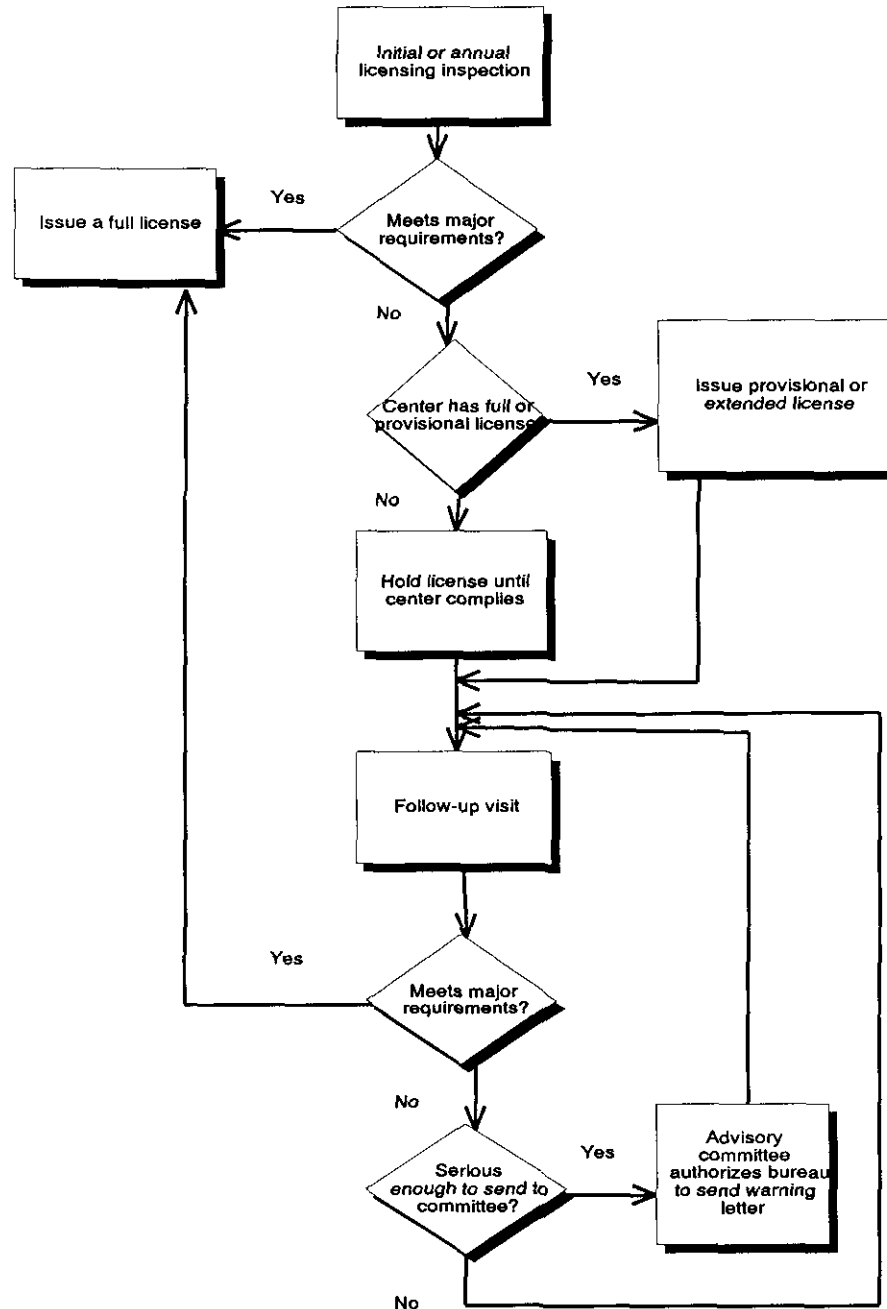
While bureau officials have some policies and procedures, they are not complete, organized, or always disseminated to all staff. As the report documents, many policies and procedures were informal and not consistently applied.

Licensing Process

The general process of issuing day care licenses, monitoring providers, and enforcing day care standards is depicted in Exhibit 3-A on the following page.

After the initial licensing inspection, the bureau determines if the center complies with most day care standards

Exhibit 3-A Department of Social Services Bureau of Licensing Day Care Licensing Process



Source: Prepared by legislative audit staff from information supplied by the Department of Social Services' Bureau of Licensing

and should be licensed. If the center complies, it is issued a full license. The center is not reinspected until shortly before its "anniversary month" the following year.

If the center is not in substantial compliance, the bureau issues either an extended or a provisional license. An extended license extends the prior license for a specified period of time. Extended licenses are issued when centers have no control over existing deficiencies--for example, when they have applied for but have not received inspections by the fire marshal. The bureau can also issue provisional licenses to providers that do not comply with all standards.

The bureau conducts subsequent follow-up inspections to assess the degree to which deficiencies have been corrected. If the deficiencies are rectified, the bureau issues a full license. If licensing violations are not corrected, the bureau can either issue another extended or provisional license or, if warranted, refer the center to the appropriate advisory committee for enforcement.

If a center is referred to the advisory committee, the committee can either advise the bureau to continue monitoring the center or issue a written warning that the center's license is in jeopardy. The advisory committee can also terminate a provider's day care license.

The Bureau of Licensing does not have formal policies and procedures for issuing licenses, conducting annual licensing inspections, and granting provisional and extended licenses. Thus, licensing practices sometimes have been inconsistent.

We found instances wherein day care centers had applied for licenses but were unable to meet licensing standards during their initial licensing surveys. Some of these unlicensed centers were allowed to operate for extended periods of time until they complied with licensing standards. Although the Bureau of Licensing was aware of its operation, one center operated for three years without a license.

When the Bureau of Licensing knowingly allows day care centers to operate without licenses, the state's entire licensing system is weakened.

Recommendation 4

The Department of Social Services should ensure that clear policies regarding the unlicensed operations of day care centers are established and followed. Bureau staff should work with new providers to help them meet standards within specified periods of time.

Department of Social Services' Response

We agree that unlicensed centers are a problem and in addition to our current procedures we will request further assistance from our legal staff. We disagree with the assumption that we do not help them meet standards as we do consult with them, refer them to other agencies such as Bureau of Quality Assurance, fire, health, and local officials. We currently keep every applicant advised of their status as to requirement necessary to complete the licensing process and also advise them in writing that they shall not operate without a license.

Auditors' Comments

As the results of our review revealed, several unlicensed centers were allowed to operate without licenses for extended periods of time. The bureau did not have complete, formal policies for issuing licenses, conducting annual inspections, and granting provisional and extended licenses.

Annual Inspections

The Bureau of Licensing has not complied with the State Licensing Act requirement to inspect each licensed day care center once a year. The State Licensing Act requires that the bureau inspect all licensed day care centers at least once every year. These annual surveys are conducted before the bureau issues centers new day care licenses.

We examined a statistically valid sample of Class A day care centers to determine if the bureau was inspecting each center once every 12 months as required by the act. Our review of 67 centers included providers that had been inspected or licensed during a period of three years and four months (June 1988 through October 1991). Approximately 81 percent of the Class A centers (54) included in our review met this criteria. We examined these centers' files to ascertain if the bureau had inspected them at least once during each 12-month period.

Forty-two of the 54 (78%) Class A centers were not inspected at least once each 12-month interval during the period we reviewed. That is, for 42 centers, surveyors did not conduct either annual or follow-up surveys in each year as required by law.

Licensing staff had begun inspecting one of the 42 centers in July 1988, but, although they had also inspected the center in August 1990 and September 1991, the bureau did not grant it a license until after the 1991 inspection. At that time, the bureau issued the center a provisional license back dated to August 1991. Between July 1988 and August 1991, the center operated without a license.

Records for a second of the 42 centers were not complete. While documents in the center's file indicated that it had been licensed, there were no copies of licenses in the file. The remaining 40 of 42 centers had been licensed but had not been inspected every year as required by law.

An examination of Class A centers' records for their most current licensing year revealed that licensing staff had not inspected approximately 166 (18%) of Class A day care centers during a 12-month period. However, all but 55 (6%) had been inspected within a 15-month time span.

The bureau's practice of scheduling full licensing inspections at the same time every year may have contributed to its inability to make all statutorily-required inspections. Licensing surveyors found that many day care centers did not comply with all day care standards. Therefore, these centers were issued provisional, rather than full, licenses. Day care surveyors then scheduled follow-up inspections to assess the centers' progress toward compliance. Often, more than one follow-up inspection was required. Ultimately, when the centers complied with standards, bureau officials issued a full license.

Full licenses always expired on centers' anniversary dates. Thus, if a center's anniversary date was October 1, but the bureau did not grant the center a full license until August 15, that year's license expired the following October 1. Therefore, even though licensing staff had inspected the center in August and had determined that the center complied with day care standards, they scheduled another full licensing survey before the center's anniversary date in October.

Some centers had as many as three inspections (including annual surveys and follow-up inspections) within a single year.

However, during the last licensing year, the bureau did not complete statutorily-required annual surveys of approximately 166 (18%) of the 924 licensed Class A providers. It may be desirable for the bureau to more closely monitor centers that have difficulty complying with key day care standards. However, it is neither reasonable nor cost effective to reinspect centers within a few weeks or months after they have complied with standards while not inspecting other centers for long periods of time.

Recommendation 5

The Department of Social Services should require that licensing staff conduct annual surveys of day care centers once every 12 months as required by the State Licensing Act. Full day care licenses should be valid for 12 months after their issue.

Department of Social Services' Response

We concur with the requirement for no less than annual survey. However, with the severe shortage of staff in the past we were unable to visit all centers timely. We strongly disagree with the recommendation that a full day care license be valid for 12 months after a center has been on a provisional license for a portion of the license year. We must stay within the license year for each center as to do otherwise would totally disrupt procedures of the State Fire Marshal, State Health Department, and contract agencies in addition to our being unable to collect the annual license fees and work with a planned workload.

Auditors' Comments

The practice of conducting licensing inspections on day care centers' anniversary dates is less cost effective than conducting the inspections 12 months after the centers' last full license. The Department of Social Services will need more licensing staff to make statutorily-required annual inspections if it continues this practice than if it were to implement our recommendation.

Provisional Licenses

The Bureau of Licensing has no formal policy for issuing provisional licenses. About 62 percent of Class A licenses issued to day care centers over the last 3 years were provisional licenses.

Provisional licenses can be useful in monitoring day care providers. If used properly, they have four primary benefits:

1. A provider is given a limited amount of time to correct violations that are not serious. Bureau staff can provide technical assistance to help remedy problems. Thus, the licensing agency can work with centers to assist them in providing quality services.
2. By limiting the duration of provisional licenses, the licensing agency can help ensure that the additional time is used to improve services rather than to extend the time substandard facilities are allowed to operate.
3. Providers that use the additional time to meet requirements are not required to close. Thus, day care services are not interrupted, parents are not required to find alternative day care, and day care providers are not needlessly put out of business.
4. A provisional license can be the first step in an enforcement procedure when a day care center is unwilling or unable to correct deficiencies. Thus, the process for eliminating substandard day care centers is documented and expedited without harming those centers seeking to provide quality care.

The bureau generally issues provisional licenses of varying durations. The duration of provisional licenses during 1989, 1990, and 1991 varied from 30 to 274 days. Once a provisional license is issued, a follow-up inspection is scheduled to determine if deficiencies have been corrected. Follow-up inspections to Class A centers were conducted an average of 95 days after annual licensing surveys. When needed, second follow-up inspections were conducted an average of 86 days after the first follow-up inspections.

During a follow-up inspection, surveyors are to record any new deficiencies. The day care centers are then also required to correct the new deficiencies.

The results of our test of annual surveys and related follow-up inspections indicated that, generally, deficiencies are not corrected within the time period provisional licenses are

valid. In these instances, the first provisional license was followed by a series of provisional licenses. Centers issued a series of provisional licenses operated with these licenses for an average of 10 months. Two day care centers operated for two years and nine months with provisional licenses. One provider told us that her center had operated under provisional licenses for over three years.

The practice of issuing multiple provisional licenses undermines the state's program for licensing day care centers. If provisional licenses are to be used to help improve day care services, the bureau must:

- ♦ use consistent criteria in issuing provisional licenses;
- ♦ issue provisional licenses for limited and specific time periods; and
- ♦ reinspect centers with provisional licenses promptly.

Recommendation 6

The Department of Social Services should establish formal policies and procedures for issuing and monitoring provisional licenses. These policies and procedures should reflect resource constraints and should be consistent with other program improvements recommended in this report. The director should monitor the application of the policies and procedures and make program, management, and policy modifications as required.

Department of Social Services' Response

Our responsibility of ensuring health and safety of children in child care is always considered in determining if a providers efforts toward compliance are in good faith. Decision to license or not to license require rational judgements to act in the best interests of children while not needlessly putting centers out of business.

Complaints

The Department of Social Services' policies, procedures, and practices are inadequate to ensure the prompt and appropriate resolution of complaints against day care centers. It is especially

important to have an effective system for handling public complaints when surveyors are unable to inspect day care centers frequently and regularly.

A system wherein serious allegations are promptly investigated and resolved is particularly important for Class B centers as these centers have been subject to only minimal oversight. The Bureau of Licensing only began inspecting Class B centers in June 1991.

The bureau does not have written policies, procedures, or guidelines for processing and investigating complaints. We could find only one policy memorandum dealing with complaints.

Investigation Practices

The Bureau of Licensing's procedures and follow-up of complaints need improvement. Allegations were not promptly or thoroughly investigated and often were left unresolved.

On August 1, 1991, the Bureau of Licensing instituted a complaint log to maintain information on the number and types of complaints received each month. Before then, the bureau did not have this information readily available. We examined all complaints recorded on the complaint log for the month of August. Our examination was completed November 8, 1991. Thus, the Bureau of Licensing had between 70 and 100 days to investigate and resolve these complaints.

In November 1991, 3 months after the first complaint was recorded, the Bureau of Licensing had completed investigations of only 23 (37%) of the 63 complaints recorded during the month of August. Although documentation for referring and investigating complaints was limited, existing records showed that there were delays and weaknesses in each phase of the investigative process.

Support staff at the Bureau of Licensing received complaints and recorded them on a complaint log. As time allowed, a program manager reviewed the complaints and referred them to the appropriate regions. When regional staff completed their investigations, they notified the program managers of the results.

Program managers did not always promptly review and refer complaints for investigation. For example, all complaints

received from August 1 through August 9 were reviewed on August 15. On average, 11 days elapsed between the date complaints were recorded and the date program managers reviewed them.

Most complaints were referred to the regional staff by mail. Regional staff also mailed the central office the results of their investigations. Neither the regional staff nor the central office staff used any type of documentation to verify that complaint information had been received.

Day care surveyors investigated the complaints as time allowed. According to bureau officials, complaints were given top priority. However, there were no records to verify this assertion. Surveyors generally investigated allegations by interviewing day care providers.

The bureau's procedures for substantiating complaints were informal. Relying on informal procedures does not provide adequate assurance that all serious complaints will be identified and promptly investigated.

Complaints were not promptly reviewed and assigned. There were few controls to ensure that the complaints were adequately investigated. Both the complaints and the investigation results were communicated by mail, a practice that added additional days to the investigation and provided increased opportunity for losing important information.

Because of the time delays, evidence to support or refute some types of complaints was not available, leaving surveyors to rely on interviews to substantiate them.

Recommendation 7

The Department of Social Services should require that formal policies and procedures be developed for the receipt, referral, investigation, and resolution of day care complaints. The policies and procedures should include such elements as times allotted for each phase of the process, methods for validating complaints, and persons responsible for ensuring that each phase is promptly and competently executed.

Department of Social Services' Response

Due to severe understaffing problems, we did not have the time or staff to put our policies and procedures in the format as desired by the reviewers. We are currently reevaluating our process and management controls since additional staff has been obtained.

Complaint Status and Resolution

The Bureau of Licensing had no systematic method of monitoring the status and disposition of complaints. The bureau began centrally recording complaints in August 1991. Before then, day care officials kept no central record of the types, nature, status, and disposition of complaints.

During the audit period, the complaint log was the only mechanism used to monitor complaints. It was not, however, regularly updated. Only one of 67 recorded complaints had complete, current information.

Bureau officials said they were improving their computer system to augment the complaint log in monitoring the status of complaints. The revised system will provide monthly information so that they will know which complaints are outstanding. While this system will be an improvement over the current method, it is still inadequate.

Many types of complaints must be promptly examined to substantiate or refute them. In particular, complaints alleging neglect and abuse become increasingly hard to substantiate as time passes. Monthly status reports will not give program managers sufficiently current information to prevent unnecessary delays.

Recommendation 8

The Department of Social Services should institute a formal system for monitoring complaints that will provide current information on their status and disposition. The director should regularly monitor the system to ensure that it is kept current and used appropriately.

Department of Social Services' Response

We concur. As stated in recommendation 8, we are currently reevaluating our process for monitoring. In addition, the new computer system will have a program whereby reports will be generated on a daily basis.

Use of Complaint Information

The Bureau of Licensing maintains both complaint and annual licensing files for each day care center. Both sets of files are kept in the bureau's main office. The bureau maintains two separate sets of records because the Child Protection Act requires that child abuse complaints be confidential. The bureau extends this confidentiality requirement to all complaints. Licensing files, however, are public information.

Neither of these files is given to surveyors before they inspect day care centers or investigate new complaints. The information in these files can provide surveyors with useful information about centers' operations. This information can show if individual complaints are isolated incidents or part of long-term patterns.

Recommendation 9

The Department of Social Services should devise a system to disseminate the historical information in the complaint and licensing files to surveyors before they inspect day care centers or investigate complaints.

Department of Social Services' Response

We disagree. This process was tried in the past and it proved to be costly, ineffective and led to the possibility of field staff being biased toward a center. It is more important to obtain a fair and unbiased review of the current situation at the center. However, this information is availbale [sic] now on an as needed basis and will be even more accessible with our new computer system.

Auditors' Comments

The recommended procedure is a standard practice to help monitors allocate their resources and identify systemic problems. Reviewing prior records of day care centers allows licensing staff to identify centers which need additional assistance and areas in which specific centers repeatedly failed to meet standards.

Child Abuse Complaints

The bureau's procedures and practices for handling child abuse complaints do not adequately ensure the safety of children in day care centers. Complaints of abuse by center staff are sometimes made to the Bureau of Licensing. Bureau staff generally refer these complaints to the Department of Social Services' Office of Community Services (OCS). The results of our review of abuse allegations raise significant concerns regarding coordination between the Bureau of Licensing and the OCS.

We examined the disposition of all child abuse complaints recorded in August, September, and October 1991. Our fieldwork was completed November 8, 1991. Thus, Department of Social Services' staff had between 9 and 100 days to substantiate or otherwise resolve the abuse allegations.

Informal procedures for handling allegations of child abuse did not ensure that such allegations were promptly and effectively investigated. The Bureau of Licensing recorded 33 abuse and neglect complaints from August 1, 1991, through October 31, 1991. Nineteen of the 33 allegations (58%) were of sexual, physical, mental, or psychological abuse.

Of the 19 abuse allegations, 6 (32%) were initially received by the Bureau of Licensing and then referred to the OCS' regional staff. Ten (53%) of the abuse complaints were initially handled by OCS. The remaining three (15%) abuse complaints were not referred to OCS because the allegations did not include a victim's name. According to bureau officials, OCS officials verbally informed them that they would not accept child abuse complaints unless a victim were specifically named.

Unlike agencies regulating day care facilities in many other states, the Bureau of Licensing is not required to investigate abuse complaints within a specified period of time. The bureau

took an average of almost 23 days to notify OCS of the 6 abuse complaints bureau staff received. In contrast, 25 of 39 states (64%) responding to a question on our survey reported they were required to investigate child abuse complaints within 72 hours or less; 18 of the 39 states (46%) said that they were required to investigate abuse allegations within 24 hours or less.

As of November 8, 1991, there was no documentation in Bureau of Licensing records to show if OCS had completed investigations of five of the six complaints referred to OCS. It is unclear whether appropriate action has been taken on the sixth complaint. On August 30, 1991, OCS refused to investigate the sixth complaint because it "failed to meet their guidelines for referral." The complaint document showed that a licensing supervisor subsequently requested that licensing staff conduct a "complaint site survey." This action was recommended on October 26, 57 days after OCS refused to investigate the complaint and 77 days after the complaint was first recorded. As of November 8, 1991, there was no documentation in bureau records to show that licensing staff had investigated the complaint.

A prompt response to abuse complaints is often necessary to substantiate abuse. Documentation for several allegations strongly suggested that some type of sexual, physical, or emotional abuse occurred. However, due to time lags and difficulty in determining exactly who initiated the abuse, the allegations could not be substantiated.

Recommendation 10

The Department of Social Services should require the development of policies and procedures dealing with neglect and abuse allegations at day care centers. These procedures should give special attention to coordinating with the Office of Community Services. They should also include procedures for monitoring the outcomes of complaints referred to district attorneys' offices for legal action.

Department of Social Services' Response

Although we have procedures, we will institute a more detailed tickler file for monitoring these complaints and following up as necessary.

Matter for Legislative Consideration 3.1

The Legislative Audit Advisory Council may wish to consider requesting a performance audit of Louisiana's child abuse intervention program. This study might include examinations in such areas as coordination among relevant state and local agencies, investigative and monitoring practices, and outcomes of abuse investigations.

Enforcement

The Bureau of Licensing does not have authority to enforce day care standards. The State Licensing Act grants the Department of Social Services the authority to deny, revoke, or refuse to renew day care licenses. However, the act requires that these actions be undertaken with the advice and *consent* (emphasis added) of the appropriate Class A or Class B advisory committee.

Advisory Committees

The State Licensing Act created two committees to advise the Department of Social Services on day care regulation. The Louisiana Advisory Committee on Licensing of Child Care Facilities and Child-Placing Agencies (Class A Committee) advises the Department of Social Services' Bureau of Licensing on day care centers with Class A licenses. The Louisiana Committee on Private Child Care (Class B Committee) advises the bureau on day care centers with Class B licenses. The bureau must receive approval of the appropriate advisory committee before taking enforcement actions against day care centers that do not comply with licensing standards.

The Class A and Class B child care committees meet once a month. At those meetings, Bureau of Licensing personnel present cases of day care centers they have found to be deficient during their surveys. The committees discuss each case and vote on the action the licensing staff is to take.

Although Bureau of Licensing officials said that some centers have closed during the enforcement process, they have rarely revoked a day care center's license. The current structure for enforcing day care standards has four main weaknesses.

First, since bureau officials have no power to enforce licensing standards, day care centers may have less incentive to promptly correct deficiencies. Having a committee of providers in charge of enforcement may encourage day care operators to avoid licensing staff and deal directly with committee members. This weakens the entire licensing, monitoring, and enforcement process.

Second, both Bureau of Licensing officials and committee members have been unsure of their exact roles in the enforcement process. During monthly committee meetings, members of both the Class A and Class B committees asked bureau officials to define their roles regarding enforcement. The State Licensing Act authorized these committees in 1985. That the bureau and the committees have been unable to clarify their roles and responsibilities is indicative of weakness in the enforcement structure.

Third, committee approval is needed before the bureau can take enforcement action. The committees meet once a month. Thus, the bureau may not be able to act promptly in emergencies. Both committees have discussed adopting procedures for these emergencies. If an emergency should develop, the proposed procedures would require licensing personnel to contact the appropriate committee's chairperson for approval to act. By the close of our fieldwork, the Class A advisory committee had not formally adopted these procedures.

Finally, the compositions of the committees change periodically. The State Licensing Act specifies that public members appointed to the Class A committee serve no more than one consecutive three-year term; representatives of government agencies serve four-year terms. The act allows public members of the Class B committee to serve no more than one consecutive four-year term. Only public members can vote on enforcement actions. Although terms are staggered, a citizen committee, the composition of which periodically changes, may not have enough continuity to provide consistent decisions on enforcement actions.

Matter for Legislative Consideration 3.2

The legislature may wish to consider amending the Child Care Facility and Child-Placing Agency Licensing Act to remove the requirement that the day care advisory committees consent to the department's enforcement actions.

Unlicensed Centers

The Bureau of Licensing cannot directly sanction centers operating without licenses. Some unlicensed centers may provide quality care but have neglected to obtain licenses as required by law. Others may provide substandard care and may be unwilling or unable to improve services to meet standards. The bureau lacks authority to sanction unlicensed centers.

The State Licensing Act requires that anyone operating a child care facility without a valid license be fined from \$75 to \$250 for each day of such offense. The act does not, however, give the Department of Social Services the authority to levy and collect these fines. As a result, the Bureau of Licensing must ask the courts to enjoin unlicensed centers from operating and to levy statutorily-designated fines. The Director of Licensing said that, to his knowledge, the courts have never fined a day care center for operating without a license.

Matter for Legislative Consideration 3.3

The legislature may wish to consider amending the State Licensing Act to authorize the Department of Social Services to levy and collect fines for day care centers operating without valid licenses and to require the bureau to establish appropriate administrative procedures for implementing the statutory authority.

Chapter Four: Program Management

Chapter Conclusions

Although the Bureau of Licensing had been understaffed, it has been allocated additional personnel. The way bureau officials plan to use the additional staff may not ensure that all day care centers are adequately monitored.

The bureau's personnel practices also should be improved. Bureau officials work closely with licensing surveyors to share knowledge and provide guidance. However, their efforts are largely informal. They do not have a systematic plan for staff training and do not keep records of staff training in employees' personnel files. The Department of Social Services does not use an employee appraisal system that systematically evaluates staff performance.

The bureau's monitoring of providers is impaired because its management information system is obsolete and inadequate.

Staffing

The Bureau of Licensing has not employed enough licensing surveyors to adequately monitor day care centers. In October 1990, when responsibility for day care regulation was transferred to the Department of Social Services, the bureau had only nine surveyors. In March 1991, four additional surveyors were hired. During our fieldwork, the 13 licensing surveyors were responsible for licensing and monitoring 2,427 service providers, 1,880 of which were day care centers. On average, each surveyor was responsible for monitoring 187 providers. The bureau's ratio of providers to day care surveyors was 2½ times the maximum recommended level of 75 to 1.

The impact of understaffing was compounded by the composition of surveyors' caseloads. Surveyors were to be familiar with requirements for 16 different types of providers, ranging from day care centers to maternity homes. They also were to know and understand two sets of day care standards.

Staffing constraints have impaired the Bureau of Licensing's ability to regulate day care centers. Licensing surveyors have not conducted all statutorily-required annual inspections of day care centers. We examined licensing files of the 924 Class A centers licensed as of September 10, 1991. Surveyors had not inspected approximately 166 (18%) of the 924 centers during their last licensing year. When centers did not comply with standards, surveyors took over three months to conduct the necessary follow-up inspections. When additional follow-up inspections were needed, it took surveyors almost another three months to conduct them.

The national television program that aired on June 20, 1991, critically examined Louisiana's program of day care regulation. As a result of the controversy following the program, the governor allocated additional funds to the Bureau of Licensing and mandated that several new positions be created. Bureau officials used these funds to hire six additional licensing surveyors, one program manager, and two clerical workers. The governor had directed that the surveyors and program manager be used to conduct random, unannounced inspections of day care centers.

The Department of Social Services also pursued federal Child Care and Development Block Grant funding for the Bureau of Licensing. Using this funding, the bureau further increased its licensing staff. As of January 31, 1992, the bureau had 27 licensing personnel, including 3 supervisors and 24 surveyors.

If all 24 of the bureau's surveyors were used to assist in routine licensing and monitoring of providers, there would be one surveyor for every 101 providers. While this ratio is higher than recommended levels, it compares favorably to those of many other states. (See caseload data for other states in Appendix B.) Bureau officials, however, do not plan to use new staff for routine licensing and monitoring. The new surveyors will conduct random, unannounced inspections of day care centers.

While this strategy might have some benefit, it also can be counterproductive and may not result in more comprehensive day care regulation. The State Licensing Act requires that surveyors inspect each licensed day care center once a year.

Between October 1, 1990, and March 4, 1991, the bureau employed nine licensing surveyors. In March 1991, the bureau hired four more surveyors. During the 12-month period between

October 1, 1990, and September 30, 1991, licensing surveyors did not conduct even one inspection of approximately 18 percent (166) of the Class A day care centers. In June 1991, licensing staff began inspecting Class B centers. They inspected 195 Class B centers between June 1991 and September 30, 1991. Thus, allowing for changes in the number of licensing surveyors over the 12-month period, the average caseload for each licensing surveyor was 82 day care centers. That is, each surveyor was able to annually inspect 82 day care centers within the statutorily-required 12-month period.

Allocating 6 of the 24 licensing surveyors to a random inspection unit, while requiring the other 18 to handle all routine surveys and follow-up inspections, will not help licensing staff make all required inspections. If the 18 licensing surveyors were to complete inspections at the same rate as surveyors had in the past (82 centers each 12-month period), the percentage of uninspected centers would increase. Approximately 21 percent (over 400 centers) of the state's day care centers would not be inspected each year.

The staffing plan also will not promote an environment wherein providers and licensing staff work together to improve day care services. We found evidence that the working relationship between licensing surveyors and day care providers could be improved. Some providers said that licensing staff were only interested in identifying deficiencies and offered little technical assistance to help them meet standards. On the other hand, surveyors reported that some providers were hostile, argumentative, and/or difficult.

In fact, the way the bureau assigns inspections to surveyors does not encourage surveyors and providers to develop long-term working relationships. Surveyors are not assigned constant caseloads. A surveyor who identified deficiencies during an annual survey does not necessarily conduct the related follow-up inspections to ensure that those deficiencies are corrected. The surveyor who has the most time available is assigned the next scheduled inspection. Bureau officials also do not provide surveyors with historical information on day care centers. Thus, licensing staff may have no knowledge of the results of previous inspections or incidents involving substantiated complaints on the centers they are inspecting.

Recommendation 11

The Department of Social Services should re-evaluate the policy of using new staff to conduct random, unannounced inspections. He must institute a system to ensure that licensing surveyors complete all statutorily-required annual inspections.

Department of Social Services' Response

We concur and this has already taken place effective January 1992. With our current number of field staff, we project that all facilities will be surveyed according to current law and policies.

Personnel Practices

The Bureau of Licensing needs to improve its personnel practices. Although they have since been revised, job specifications and position descriptions used to recruit additional licensing staff did not adequately reflect needed job skills and experience. Bureau officials also did not have a system to evaluate the performance of licensing staff and did not monitor or record staff training.

Recruitment

The process used to hire licensing surveyors is generally the same process used to hire all civil service personnel. The Bureau of Licensing is to work with the Department of Civil Service (Civil Service) to develop valid position descriptions and job specifications. Civil Service uses these documents to publicize surveyor vacancies and to screen applicants for vacant positions. Civil Service then administers an examination to those applicants who have been judged to meet minimum job requirements. Those who pass the examination are placed on a list of eligible applicants in rank order of their test scores. Bureau of Licensing officials interview the top five grade groups of eligible applicants and select the applicants they find most qualified to fill the position vacancies.

Obsolete job specifications and position descriptions were used when the Bureau of Licensing recruited most new licensing staff. They continued to use specifications and descriptions from

the now defunct Department of Health and Human Resources' general licensing series. The documents did not reflect licensing surveyors' current job duties and did not accurately specify the skills, education, and experience necessary for job requirements.

Since the Bureau of Licensing had not revised job specifications and position descriptions, Civil Service used them to screen applicants for the vacant surveyor positions. Consequently, Civil Service personnel may have screened out some applicants who better met actual job requirements than those who met requirements on the obsolete job specifications.

Although the job specifications and position descriptions were obsolete, the Civil Service examination for licensing surveyors was a valid test of professional ability. The examination is a generic test for professional-level employees. It is used for many different professional-level positions in addition to that of licensing surveyor. The test assesses the applicant's cognitive abilities of numerical and verbal reasoning rather than particular job knowledge. Specifically, the examination tests the applicant's ability to:

- ♦ read, analyze, and interpret information presented in tables and charts;
- ♦ make inferences and reach conclusions based upon presented information;
- ♦ comprehend what is read; and
- ♦ reason quantitatively.

The Department of Civil Service cannot require that entry-level applicants be tested for substantive knowledge on licensing standards and requirements. Doing so might inappropriately limit access to Civil Service positions. Instead, the department tests aptitude and skills necessary to learn and fulfill future job requirements.

Knowledge in a particular field can be ensured by establishing requisite job qualifications--for example, degrees in specified fields, such as child development or social work. Analytical ability and reasoning skills can be assessed through valid testing. Other job requirements, such as an applicant's oral communication skills, can be evaluated during the interview process.

During our fieldwork, both the skills test and the interview process were adequate. However, job specifications

and position descriptions were obsolete. Subsequent to our fieldwork, Department of Social Services' licensing and personnel staff completed revisions of both the job specifications and position descriptions. The revised documents have been submitted to the Department of Civil Service.

Appraisal

The Bureau of Licensing does not have an effective system for monitoring and appraising staff performance. The bureau's evaluation process does not provide the employee and the employer with a meaningful evaluation of the employee's strengths and weaknesses.

Bureau officials use a service-rating method to evaluate staff performance. The Department of Civil Service allows agencies to use either of two employee evaluation strategies: (1) a service rating or (2) a performance appraisal. The service rating requires only that supervisors rate employees' performance as "satisfactory" or "unsatisfactory." A performance appraisal system links employee performance to job duties.

Although the bureau complies with Civil Service requirements, its method of evaluating employees is not sufficient to effectively monitor staff. The service-rating method allows agencies to rate employees' performance as either satisfactory or unsatisfactory. Satisfactory ratings need not be accompanied by further written documentation. Unsatisfactory ratings must be justified in writing.

On the other hand, the full performance appraisal system requires management to evaluate employees using a structured appraisal system that measures performance in each job dimension. The Department of Civil Service encourages agencies to develop full appraisal systems. However, the Department of Social Services has not done so.

All surveyors within the Bureau of Licensing received the same performance appraisal in 1991. We reviewed the most recent service ratings on file for survey staff. The written comments on all the employees' service ratings were identically worded. Each contained a satisfactory rating. Each included the same general comments praising the quality and quantity of the employee's work as far exceeding that of the normal employee.

Each form was signed and dated April 9, 1991, by the Director of Licensing.

The service-rating forms that we reviewed for a program manager and an assistant director were also identical to each other. Both employees received satisfactory ratings and several identical complimentary comments on their work habits. Each form was signed by the Director of Licensing and dated April 9, 1991.

The Director of Licensing also received a satisfactory service rating. His service rating form contained no supplementary comments. The form was prepared by the Deputy Secretary of the Department of Social Services and was dated April 29, 1991.

There was nothing on any of the service rating forms that could be used to help employees identify strengths and weaknesses. In order for performance appraisals to be useful, the appraisal system must identify expectations and include a valid system for measuring attainment of those expectations. The appraisal instrument must measure the dimensions of each position.

The bureau's system does not provide employees with adequate feedback on individual elements of their work needing improvement and elements performed satisfactorily. Thus, the bureau lacks a common and important tool in improving staff performance. Without a uniform and valid appraisal system, employees may not be equitably and objectively evaluated. Likewise, managers may not be able to evaluate career progress or adequately identify individual training needs. This could affect the quality of the regulation program.

Recommendation 12

The Department of Social Services should require a performance appraisal system for the Bureau of Licensing. The appraisal instrument should address the job requirements reflected in the job specifications and position descriptions and provide a means of measuring performance against those standards. The measures should be evaluated for validity and reliability before they are adopted.

Department of Social Services' Response

We feel this was unjust criticism since established and approved Civil Service procedures are followed. On a formal basis, we comply with Civil Service on employee evaluations. On an informal basis, we monitor staff performance on a continuing basis.

Training Records

Bureau officials use monthly staff meetings to communicate informal policies and procedures, share information, and train licensing staff. Most licensing surveyors reported that supervisory staff provided sufficient training and direction for them to perform their jobs. However, monthly staff meetings could be made even more useful if bureau officials were to document staff training and use the documentation to monitor individual employee's training needs.

The Bureau of Licensing holds monthly staff meetings at which surveyors discuss day care issues and events. The meetings include training sessions. These sessions often include speakers who are knowledgeable in various child care issues. For instance, training sessions have included nutritional and Life Safety Code updates and presentations on child neglect and abuse.

Licensing surveyors rated these monthly staff meetings, along with bureau officials' routine supervision, very highly. All 13 surveyors responding to our questionnaire stated that the bureau had provided them with sufficient training to enable them to survey day care centers as well as they possibly could. Twelve of the 13 surveyors (92%) either agreed or strongly agreed that the support and supervisory guidance they received made their job of surveying day care centers easier.

While licensing staff say monthly staff meetings and other supervision help improve their performance, the staff meetings could be even more beneficial if they were better planned and documented.

- ♦ Bureau officials did not have a training plan that showed the types of basic training each licensing surveyor needed.

- ♦ There was no evidence to suggest that bureau officials had evaluated staff's individual or collective job strengths and weaknesses to ascertain training needs.
- ♦ Training sessions were not adequately documented. Existing records were incomplete and often consisted of sometimes illegible and incomplete, handwritten notations about course content.
- ♦ Bureau officials did not update employees' personnel files to reflect training they had received.

There is evidence that the bureau's informal training is useful. However, devising a simple but systematic training plan and documenting the training employees receive will help bureau officials assess employee knowledge and set training priorities.

Recommendation 13

The Department of Social Services should develop a training plan that identifies basic courses each licensing surveyor should complete. He should require that training be documented and that each employee's personnel file be regularly updated to reflect training received.

Department of Social Services' Response

We concur and will develop a more comprehensive training plan. We will again request the individual training records from DHH for those employees transferred over to DSS. Documented training given at previous staff meetings, as well as future meetings, and outside workshops will be placed in their files.

Management Information System

The Bureau of Licensing's ability to effectively and efficiently monitor day care centers is impaired because it does not have an adequate management information system. The present system was developed when the Department of Health and Hospitals administered the day care regulation program. The system cannot track surveys, deficiencies, or center histories. It cannot provide full information on providers or pertinent statistical data.

The bureau's computerized information system was obsolete before it was implemented. The system is a Wang Alliance computer with a Wang Visual Memory software configuration. Bureau officials say that the Wang Corporation was phasing out the Alliance computer in 1983, the year the Department of Health and Hospitals purchased it. The system was last updated in 1985.

The computerized system cannot provide basic information necessary for planning and monitoring licensing activities. The system has a slow response time. Parts and service are difficult to obtain. More importantly, bureau staff cannot use the system to access specified information or to compile data to provide necessary management reports. The current system:

- ♦ cannot provide information on the types and trends of licensing deficiencies;
- ♦ cannot be used to monitor the status, types, or disposition of complaints;
- ♦ cannot provide demographic information on licensed centers; and
- ♦ cannot provide bureau officials with reports showing when surveyors are scheduled to conduct licensing inspections.

The Bureau of Licensing is acquiring a new computer system. The bureau plans to convert to Wang personal computers on a Novell network. The software to be used is WordPerfect for word processing, Lotus 1-2-3 for spreadsheet analysis, and Informix for database capabilities. The bureau will purchase the system with Child Care and Development Block Grant monies.

Recommendation 14

The Department of Social Services should review the proposed computer purchase to ensure that the system meets the bureau's current and anticipated needs. The director should monitor the system's implementation and ongoing use and require modifications as necessary.

Department of Social Services' Response

The new computer system has been purchased. The bureau's needs were considered and a process of ongoing monitoring has already been put into place.

Appendices

Appendix A: Methodology

File Reviews

We conducted two file reviews of Department of Social Services' records for day care centers: one of Class A centers and one of Class B centers. We selected statistically valid systematic random samples at 90 percent confidence levels with 10 percent confidence intervals. For example, we used the results of our sample of Class A day care files to project that the bureau had not inspected 166 Class A day care centers during a 12-month period. With a 90 percent confidence level and 10 percent confidence interval, the actual number of uninspected centers could range from 149 to 183 (166 minus 10% of 166; 166 plus 10% of 166).

To achieve the 90 percent confidence level and 10 percent confidence interval, we selected 67 files for each review. We used a computerized random number generator to determine the first file in each sample. We then divided 67 into the total number of files in each sample to determine a skip, or selection, interval (n); every nth record was systematically selected for review.

Review of Class A Day Care Center Files

We examined a sample of licensing files for the past three licensing years for the 924 Class A day care centers licensed on September 10, 1991. The Director of the Bureau of Licensing provided us with a list of Class A centers with active licenses. We reviewed licensing files for 67 randomly selected centers on the list to determine if surveyors had conducted the required licensing and follow-up inspections. We classified the types of deficiencies that had been identified, determined the disposition of the deficiencies, and reviewed other pertinent licensing information. We also assessed the adequacy, timeliness, and degree of supervisory reviews of the surveyors' work.

Review of Class B Day Care Center Files

Since the Department of Social Services has been inspecting Class B day care centers only since June 1991, we included only centers which had been inspected within our sampling frame. As of October 10, 1991, 210 (26%) of the 794 Class B centers with active licenses had been inspected. Therefore, a second systematic random sample of 67 files was selected from those 210 centers. We reviewed these files for the same variables as we did the Class A files.

Assessment of System for Filing Complaints

We conducted two separate examinations of complaints against day care centers. On August 1, 1991, the Department of Social Services began recording and assigning sequential identification numbers to complaints filed against day care centers. Between that date and the date of our review, 143 complaints had been recorded. We reviewed all 63 complaints filed during the month of August. They included allegations of poor sanitation, nutrition, physical environment, and supervision, as well as understaffing and child abuse and neglect. We documented the nature, date, and disposition of complaints and determined the Department of Social Services' response time in investigating each complaint.

We also examined all recorded complaints alleging child abuse and neglect. Of the 143 complaints recorded from August 1, 1991, to October 31, 1991, 33 (23%) were allegations of neglect or mental, physical, or sexual abuse. When Bureau of Licensing staff received child abuse complaints, the allegations were recorded like other day care complaints. The allegations were then forwarded to the Department of Social Services' Office of Community Services for investigation by child protection workers. We determined the time elapsed between the date the Department of Social Services' recorded complaints and the date they investigated them, evidence of coordination between abuse investigators and licensing staff, and disposition of the complaints.

Licensing Staff Caseloads

We estimated the average caseload for each licensing surveyor for the 12-month period beginning October 1, 1990, and ending September 30, 1991. We used this information to project the percentage of day care centers that licensing staff would not be able to annually inspect if only 18 of their 24 surveyors were to conduct routine inspections. (pages 47-48)

During the 12-month period, approximately 758 of 924 (82%) of Class A day care centers had at least one inspection. For five months of this period, the bureau employed nine licensing surveyors. For the remaining seven months, there were 13 surveyors. We prorated the number of surveyors employed during the 12-month period ($5/12 \times 9 + 7/12 \times 13$) to obtain a weighted average of the number of surveyors during the period. We then divided that number into the number of inspections conducted (758). During the 12-month period, each surveyor inspected 67 Class A centers at least one time.

Between June and September 1991, the 13 surveyors, who were employed during that period, inspected 195 Class B centers. We divided the number of surveyors (13) into the number of inspections (195) and found that each surveyor inspected 15 Class B day care centers at least one time.

We then added the number of Class A centers inspected by each surveyor (67) to the number of Class B centers inspected by each surveyor (15) to obtain the average caseload (82) per surveyor during the 12-month period. If the average caseload per surveyor is 82 centers, 18 surveyors should be able to inspect approximately 1,476 day care centers at least once during the statutorily-required 12-month period ($18 \times 82 = 1,476$). Although the number of

licensed day care centers varies from month to month, we used the number of licensed centers at the close of our fieldwork (1,880) and subtracted the number of centers that 18 surveyors could inspect (1,476) to estimate that approximately 404 (21%) of all day care centers would not be inspected annually as required by law.

Appendix B: Survey of Other State Regulatory Agencies

Part One: Licensing

1. What types of day care providers do you license? (This question addresses only the capacity of licensed providers, not other characteristics that may also determine whether a provider is licensed. Please mark all that apply.)

A. All day care providers, including those who care for relatives	2
B. All day care providers except those who care for relatives	12
C. Day care providers caring for more than a designated number of unrelated children. (Please specify the "designated number of unrelated children": ____.)	25
0 Children	1
1 Child	1
2 Children	6
3 Children	6
4 Children	4
5 Children	3
6 Children	2
12 Children	1
No specified number of children	1
	25
D. Day care providers caring for more than a designated number of related and unrelated children. (Please specify the "designated number of related and unrelated children": ____.)	11
0 Children	1
1 Child	1
2 Children	1
4 Children	2
5 Children	3
6 Children	1
6 Children or 3 children if under two years of age	1
7 Children	1
	11

E. Other (Please specify) _____	5
Co-ops if more than 12 children	1
Homes - voluntary	1
Relatives - voluntary	1
Centers if more than 5 children under 6 years of age	1
Centers (commercial buildings) and homes (residential buildings)	1
	<u>5</u>

55

Note: There were 40 respondents to this survey. Thirty-nine agencies responded to this particular question. The total number of responses is greater than 39 because some respondents provided multiple responses.

2. What types of day care providers do you exempt from licensing? (Please mark all that apply.)

A. Day care providers caring for fewer than a designated number of unrelated children. (Please specify "designated number of unrelated children": _____)	26
1 Child	1
2 Children	1
3 Children	10
4 Children	5
5 Children	5
6 Children	1
12 Children	1
Undesignated number of children	2
	<u>26</u>

B. Day care providers caring for fewer than a designated number of related and unrelated children. (Please specify "designated number of related and unrelated children": _____)	8
2 Children	1
4 Children	1
5 Children	2
5 Children (any number of unrelated children)	1
7 Children	2
7 Children or 3 children if under three years of age	1
	<u>8</u>

C. Home-based day care providers	5
D. Providers giving fewer than 20 hours of care a week	4
E. Pre-school programs licensed by another agency, such as your Department of Education	18
F. Pre-school programs not licensed by another agency	9

G. Pre-school programs associated with public schools	23
H. Pre-school programs associated with private or parochial schools	18
I. Before- and after-school programs offered by public schools	23
J. Before- and after-school programs offered by private or parochial schools	12
K. YMCA, YWCA, and other associations' summer school programs	8
L. YMCA, YWCA, and other associations' short-term (one or two week) summer camp programs	25
M. Church-affiliated programs	5
N. Other (Please specify.) _____	19
	<u>203</u>

Note: There were 40 respondents to this survey. Thirty-nine agencies responded to this particular question. The total number of responses is greater than 39 because some respondents provided multiple responses.

3. Louisiana allows day care providers to choose between two different categories of licenses. One category is less stringent than the other. Does your state have a similar type of licensing arrangement?

Yes (Please explain in comments portion of question below.)	11
No	29
	<u>40</u>

Note: Of those responding "Yes" to this question, nine have different types of licenses for homes and/or family based care; one has a different type of license for religious organizations providing day care; and one, North Carolina, has a licensing system similar to Louisiana's licensing system. North Carolina has type A and type AA licenses. Type AA is more stringent and is eligible to receive public funding while type A is not.

4. In Louisiana, licenses for day care providers caring for seven or more children must be renewed once per year. How often must licenses for day care providers caring for seven or more children be renewed in your state?

A. Quarterly	0
B. Semiannually	0
C. Once every year	21
D. Once every two years	14
E. Once every three years	5
F. Once every four years	0
G. Once every five years	0
H. Other (Please specify.) <u>Registration is valid as long as annual fee is paid.</u>	1
	<u>41</u>

Note: There were 40 respondents to this survey. All 40 agencies responded to this particular question. The total number of responses is greater than 40 because one respondent, Maryland, provided two responses. Maryland renews licenses once a year for day care centers and once every two years for day care homes.

Part Two: Monitoring

5. Do staff who inspect day care providers in your state also inspect other types of facilities?	
Yes	20
No	20
	<u>40</u>
6. What other types of facilities do staff in your state inspect? (Please mark all that apply.)	
A. They do not inspect other types of facilities; I responded "no" to question number 5.	20
B. Day care programs for the mentally or developmentally disabled	7
C. Day care programs for the elderly or other adults	7
D. Residential group homes	16
E. Long-term care facilities	8
F. Foster homes	9
G. Juvenile centers	4
H. Adoptive parents' homes	4
I. Maternity homes	6
J. Other (Please specify) _____	7
	<u>88</u>

Note: There were 40 respondents to this survey. All 40 agencies responded to this particular question. The total number of responses is greater than 40 because some respondents provided multiple responses.

7. What is your day care inspectors' average caseload? (Please include total caseload, including all types of facilities that they inspect) _____	Average is 131.57
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Note 1: Thirty-five valid responses to this question were received.

Note 2: For states that expressed their ratio as a range (for example, 100 to 110), we used the midpoint of the range (for example, 105) to compute the average.

Note 3: Louisiana does not license and monitor family day care homes. In order to calculate average caseload information, we did not include family day care homes for states that identified them. Other states may have included family day care homes in their caseload information without distinguishing them from day care centers. We examined the information provided by all of the states and noted that there were no caseload ratios that varied widely from all other ratios reported.

Family day care homes were also excluded because each state has a different procedure for monitoring them. Some states do not inspect family day care homes at all while others inspect a percentage of them each year. Therefore, the caseloads of family day care homes were not indicative of the number of facilities an inspector would inspect each year.

8. How often are day care providers in your state required to be inspected? (If your state has different inspection requirements for various types of day care providers, for example, day care homes and day care centers, please mark the appropriate box for each and write the type of provider in the space next to the category.)

A. Quarterly _____	2
B. Semiannually _____	8
C. Once every year _____	25
D. Once every two years _____	10
E. Once every three years _____	4
F. Once every four years _____	0
G. Once every five years _____	0
H. Other (Please specify.) _____	4
At any complaint	1
Random checks for family homes	2
Depends on provider's history	1
	<u>4</u>
I. Day care providers are not required to be inspected in our state. _____	0
	<u>53</u>

Note: There were 40 respondents to this survey. All 40 agencies responded to this particular question. The total number of responses is greater than 40 because some respondents provided multiple responses.

9. Do you conduct joint inspections with or inspections on behalf of other agencies that are responsible for inspecting day care facilities?

A. Yes	20
B. No	19
C. I know of no other agencies that are responsible for inspecting day care facilities.	0
D. We do not inspect day care facilities.	1
	<u>40</u>

10. With which agencies do you conduct joint inspections or inspections on their behalf? (Please mark as many as apply.)

A. I know of no other agencies that are responsible for inspecting day care facilities.	3
B. We do not inspect day care facilities.	1
C. Fire marshal or comparable agency	17
D. State or public health department	17

E. State or local department of education	2
F. Other (Please specify) _____	9
	<u>49</u>

Note: There were 40 respondents to this survey. Twenty-seven agencies responded to this particular question. The total number of responses is greater than 27 because some respondents provided multiple responses.

11. Which other public agencies responsible for inspecting day care facilities furnish you with copies of their inspection reports?

A. I know of no other agencies that are responsible for inspecting day care facilities.	1
B. We do not inspect day care facilities.	0
C. Fire marshal or comparable agency	38
D. State or public health department	30
E. State or local department of education	2
F. Other (Please specify) _____	13
	<u>84</u>

Note: There were 40 respondents to this survey. Thirty-nine agencies responded to this particular question. The total number of responses is greater than 39 because some respondents provided multiple responses.

12. Do your policies and procedures specifically require coordination with child abuse authorities when your day care regulators identify evidence of abuse or receive complaints alleging child abuse?

Yes	37
No	3
	<u>40</u>

Note: Two states responding "no" commented that members of their licensing staff conduct investigations.

13. Are complaints of child abuse in day care facilities in your state required to be investigated within a specified period of time?

Yes	37
No	1
Don't know	2
	<u>40</u>

14. How promptly are complaints of child abuse in day care facilities in your state required to be investigated?

A. Within 24 or fewer hours	18
B. Within 48 hours	5
C. Within 7 days	1

D. Within 14 days	1
E. Within 21 days	0
F. Within 30 days	0
G. Within 31 to 59 days	1
H. Within 60 or more days	0
I. Other--72 hours	4
Other--5 days	1
Other--10 days	1
Other--varies depending upon the severity/risk	10
J. No required response time	1
K. Don't know	2
	<u>45</u>

Note: There were 40 respondents to this survey. Thirty-nine agencies responded to this particular question. The total number of responses is greater than 39 because some respondents provided multiple responses. For instance, a state may have responded 24 hours for abuse allegations and 7 days for all other types of complaints.

15. Are complaints on centers which your agency has determined to be valid made available for public inspection?

Yes	37
No	3
	<u>40</u>

Note: Sixteen states responding "yes" commented that they publicize limited information to protect the confidentiality of the parties involved.

16. How does your agency ensure that day care inspectors identify all major licensing deficiencies?
(Please mark all that apply.)

A. Random reinspections by supervisory personnel	7
B. Supervisory review of documentation	35
C. Periodic examinations of day care inspectors to test familiarity with standards	3
D. Other (Please specify.)	13
	<u>58</u>

Note: There were 40 respondents to this survey. Thirty-eight agencies responded to this particular question. The total number of responses is greater than 38 because some respondents provided multiple responses.

Part Three: Enforcement

17. Does your agency have the authority to independently enforce licensing standards (that is, to take enforcement actions without external approval)?	
Yes	37
No	3
	<u>40</u>
18. What types of enforcement actions are your agency authorized to take? (Please mark all that apply.)	
A. Levy fines and/or monetary penalties	17
B. Replace license with "provisional" or "conditional" license as a step to revoking license if provider does not correct specified deficiencies	27
C. Revoke licenses	37
D. Immediately close facility and remove children when their safety and health are seriously threatened (with injunction, if required)	31
E. Notify parents of deficiencies	15
F. Notify parents of imposition of conditional license	10
G. Notify parents of license revocation	16
H. Other (Please specify.) _____	11
	<u>164</u>

Note: There were 40 respondents to this survey. All 40 agencies responded to this particular question. The total number of responses is greater than 40 because some respondents provided multiple responses.

19. For which of the following types of enforcement actions must your agency have approval of an oversight board, committee, or similar body to invoke? (Please mark all that apply.)	
A. None. We have complete authority to enforce standards (subject to judicial review).	37
B. Levy fines and/or monetary penalties	1
C. Replace license with "provisional" or "conditional" license as a step to revoking license if provider does not correct specified deficiencies	2
D. Revoke licenses	2
E. Immediately close facility and remove children when their safety and health are seriously threatened	2
F. Notify parents of deficiencies	1
G. Notify parents of imposition of conditional license	0
H. Notify parents of license revocation	0
I. Other (Please specify.) _____	2
	<u>47</u>

Note: There were 40 respondents to this survey. All 40 agencies responded to this particular question. The total number of responses is greater than 40 because some respondents provided multiple responses.

20. How many day care licenses have you revoked in the past three years? _____	Average is 26.76
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Note 1: Thirty-three valid responses to this question were received.

Note 2: Responses from Kansas and Minnesota are not included in the above average. Kansas reported revoking 210 day care licenses, and Minnesota reported revoking 150. Those numbers of revocations varied widely from the numbers of licenses revoked by other states. The number of licenses revoked by Kansas may include license revocations of family day care homes, which Louisiana does not license.

Note 3: Only revocations of child day care center licenses are included in the above average. Not included are revocations of family day care home licenses or denials or renewals of day care center licenses. In addition to revoked day care center licenses, California revoked 368 family day care homes licenses, Minnesota revoked 50, and Illinois revoked 31.

Note 4: The average includes three states with incomplete data. Colorado had data available for only the last 12 months, Maryland for the last 7 months, and Ohio for the last 2 years.

Part Four: Advisory Boards and Committees

21. Does your day care regulation program have an advisory board or committee?

Yes	26
No	14
	<u>40</u>

22. What types of people serve on your advisory committee? (Please mark all that apply.)

A. We have no advisory committee	14
B. Day care providers	26
C. Day care regulation staff/agency representatives	16
D. Representatives of other state agencies	22
E. Representatives of federal agencies	1
F. Representatives of local agencies	12
G. Parents of children in day care	22
H. Representative of other types of care providers, such as residential group homes, foster homes, and the like	6
I. Public members	17
J. Representatives of day care or child advocacy groups	18
K. Representatives of the business community	9
L. Other (Please specify.) _____	9
	<u>172</u>

Note: There were 40 respondents to this survey. All 40 agencies responded to this particular question. The total number of responses is greater than 40 because some respondents provided multiple responses.

23. What are the advisory committee's primary responsibilities? (Please mark all that apply.)

A. We have no advisory committee	14
B. Advise our agency on day care standards, policies, and the like	25
C. Hold public hearings	6
D. Represent the day care community	9
E. Approve enforcement actions	1
F. Coordinate child welfare services	5
G. Other (Please specify) _____	4
	<u>64</u>

Note: There were 40 respondents to this survey. All 40 agencies responded to this particular question. The total number of responses is greater than 40 because some respondents provided multiple responses.

The following states responded to our questionnaire:

Alabama	Minnesota
Arizona	Mississippi
Arkansas	Missouri
California	Montana
Colorado	Nebraska
Connecticut	Nevada
Delaware	New Hampshire
District of Columbia	New Jersey
Georgia	New Mexico
Hawaii	North Carolina
Idaho	Ohio
Illinois	Oregon
Indiana	Pennsylvania
Iowa	Rhode Island
Kansas	South Carolina
Kentucky	Tennessee
Maine	Texas
Maryland	Washington
Massachusetts	Wisconsin
Michigan	Wyoming

Appendix C: Survey of Surveyors

Section One

1. In your experience, what is the average time it takes to conduct an annual survey of a child day care center?	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
Less than two hours	0	0.00%
At least two hours but less than four hours	5	41.67%
At least four hours but less than eight hours	7	58.33%
Eight hours or more	0	0.00%
	<u>12</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

Respondents' Additional Comments

Surveyors commented that the time it takes to conduct an annual survey depends upon the individual circumstances of each case. Surveyors mentioned five things that affect the amount of time it takes to conduct an annual survey: (1) the type of survey to be done (initial or annual reinspection); (2) the amount of preparation required; (3) the amount of travel time involved; (4) the number of deficiencies present; (5) the degree of organization of the provider; and (6) the type of license held (Class A or Class B).

2. In your experience, what is the average time it takes to conduct a follow-up survey of a child day care center?	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
Less than two hours	6	50.00%
At least two hours but less than four hours	6	50.00%
At least four hours but less than eight hours	0	0.00%
Eight hours or more	0	0.00%
	<u>12</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

Respondents' Additional Comments

Surveyors commented that many of the same factors affecting the time it takes to conduct annual surveys affect the time it takes to conduct follow-up surveys. Comments addressed additional factors such as what, if any, recommendations the advisory committees have made and whether or not the provider needs extensive consultation.

3. How much of your total work time is spent conducting annual surveys of child day care centers?	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
0% to 25%	1	8.33%
26% to 50%	3	25.00%
51% to 75%	8	66.67%
76% to 100%	0	0.00%
	<u>12</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

Respondents' Additional Comments

The only comment included with this question came from a surveyor who said that his or her primary responsibility is residential care facilities, not day care centers, which affects the amount of his or her total time that is spent conducting annual surveys of day care centers.

4. How much of your total work time is spent conducting follow-up surveys of child day care centers?	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
0% to 25%	3	25.00%
26% to 50%	8	66.67%
51% to 75%	1	8.33%
76% to 100%	0	0.00%
	<u>12</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

Respondents' Additional Comments

One comment indicated that the primary responsibility of one surveyor is residential care facilities, which affects the amount of his or her total time that is spent conducting follow-up surveys of day care centers. Other comments indicated that staff are sometimes required to conduct follow-ups on an as-soon-as-possible basis, which take priority over their regular follow-up surveys.

5. Approximately how much of your total work time is spent on child day care centers as opposed to other types of facilities you survey? (This includes all time spent on child day care centers, such as annual surveys, follow-up surveys, travel time, paperwork, training, etc.)	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
0% to 25% on child day care centers	1	7.69%
26% to 50% on child day care centers	0	0.00%
51% to 75% on child day care centers	7	53.85%
76% to 100% on child day care centers	5	38.46%
	<u>13</u>	<u>100.00%</u>

Respondents' Additional Comments

All comments were from surveyors who said that the vast majority of their time was spent surveying day care centers as opposed to other types of facilities.

Section Two

6. The following items make my job of surveying child day care centers easier.

	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
A. Surveying a variety of types of facilities, such as child day care centers, maternity homes, and foster homes		
Strongly Agree	1	7.69%
Agree	1	7.69%
Neither Agree nor Disagree	7	53.85%
Disagree	3	23.08%
Strongly Disagree	1	7.69%
	<u>13</u>	<u>100.00%</u>
B. Amount of travel		
Strongly Agree	1	7.69%
Agree	0	0.00%
Neither Agree nor Disagree	5	38.46%
Disagree	5	38.46%
Strongly Disagree	2	15.39%
	<u>13</u>	<u>100.00%</u>
C. Authority I have to enforce the child day care standards		
Strongly Agree	1	7.69%
Agree	4	30.77%
Neither Agree nor Disagree	3	23.08%
Disagree	4	30.77%
Strongly Disagree	1	7.69%
	<u>13</u>	<u>100.00%</u>
D. Amount of supervisory guidance provided to me		
Strongly Agree	9	69.23%
Agree	3	23.08%
Neither Agree nor Disagree	0	0.00%
Disagree	1	7.69%
Strongly Disagree	0	0.00%
	<u>13</u>	<u>100.00%</u>

E. Clarity of the survey form		
Strongly Agree	3	21.43%
Agree	8	57.15%
Neither Agree nor Disagree	1	7.14%
Disagree	1	7.14%
Strongly Disagree	1	7.14%
	14	100.00%
<p>Note: One respondent provided two responses. He or she responded "Strongly Agree" in regard to the Class A survey form and "Disagree" in regard to the Class B survey form.</p>		
F. Support from DSS management		
Strongly Agree	7	53.85%
Agree	5	38.46%
Neither Agree nor Disagree	0	0.00%
Disagree	1	7.69%
Strongly Disagree	0	0.00%
	13	100.00%
G. My caseload		
Strongly Agree	1	7.69%
Agree	1	7.69%
Neither Agree nor Disagree	5	38.47%
Disagree	5	38.46%
Strongly Disagree	1	7.69%
	13	100.00%
H. Plan of correction form expedites follow-up visits to centers with deficiencies		
Strongly Agree	1	7.69%
Agree	8	61.55%
Neither Agree nor Disagree	0	0.00%
Disagree	2	15.38%
Strongly Disagree	2	15.38%
	13	100.00%
I. Size of the survey staff		
Strongly Agree	1	8.33%
Agree	1	8.33%
Neither Agree nor Disagree	4	33.34%
Disagree	5	41.67%
Strongly Disagree	1	8.33%
	12	100.00%

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

J. Completeness of the survey form

Strongly Agree	2	15.39%
Agree	8	61.54%
Neither Agree nor Disagree	2	15.38%
Disagree	1	7.69%
Strongly Disagree	0	0.00%
	<u>13</u>	<u>100.00%</u>

K. Approval of advisory committee before sanctioning providers

Strongly Agree	0	0.00%
Agree	0	0.00%
Neither Agree nor Disagree	4	33.33%
Disagree	6	50.00%
Strongly Disagree	2	16.67%
	<u>12</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

L. Other (Please specify.) Preparing my own work schedule

Strongly Agree	1	100.00%
Agree	0	0.00%
Neither Agree nor Disagree	0	0.00%
Disagree	0	0.00%
Strongly Disagree	0	0.00%
	<u>1</u>	<u>100.00%</u>

L. Other (Please specify.) My experience and knowledge of job

Strongly Agree	1	100.00%
Agree	0	0.00%
Neither Agree nor Disagree	0	0.00%
Disagree	0	0.00%
Strongly Disagree	0	0.00%
	<u>1</u>	<u>100.00%</u>

L. Other (Please specify.) Support and respect from supervisory staff

Strongly Agree	1	100.00%
Agree	0	0.00%
Neither Agree nor Disagree	0	0.00%

Disagree	0	0.00%
Strongly Disagree	0	0.00%
	1	100.00%
L. Other (Please specify.) More definitive standards which would actually close a bad place		
Strongly Agree	1	100.00%
Agree	0	0.00%
Neither Agree nor Disagree	0	0.00%
Disagree	0	0.00%
Strongly Disagree	0	0.00%
	1	100.00%

Respondents' Additional Comments

Comments addressing this question indicated that having to be familiar with different standards for different types of facilities was not especially troublesome for the surveyors because most of them do not survey the other types of facilities very often. They did comment, however, that having to survey a variety of types of facilities requires extra time.

Although some respondents commented that it was inappropriate for the surveyors to personally invoke sanctions, others agreed that giving the Department of Social Services authority to sanction centers would be helpful. Similar comments characterized the present system whereby the committees must consent to enforcement actions as ineffective, inefficient, and somewhat of an obstacle in bringing about compliance with day care standards.

Other comments regarding this question related to the volume of work in large metropolitan areas and the fears some surveyors have of working in high crime areas.

Comments regarding the plan of correction (item H) indicated that its use expedites follow-up surveys, but day care centers do not always submit the form to the bureau as requested.

7. The following items make my job of surveying child day care centers more difficult.	Respondents	
	#	%
A. Surveying a variety of types of facilities, such as child day care centers, maternity homes, and foster homes		
Strongly Agree	0	0.00%
Agree	3	23.08%
Neither Agree nor Disagree	7	53.85%
Disagree	3	23.08%
Strongly Disagree	0	0.00%
	13	100.00%
B. Amount of travel		
Strongly Agree	2	15.39%
Agree	5	38.46%
Neither Agree nor Disagree	5	38.46%

Disagree	1	7.69%
Strongly Disagree	0	0.00%
	13	100.00%

C. Lack of enforcement authority on my part, such as no power to levy fines

Strongly Agree	1	7.69%
Agree	4	30.77%
Neither Agree nor Disagree	7	53.85%
Disagree	1	7.69%
Strongly Disagree	0	0.00%
	13	100.00%

D. Lack of supervisory guidance provided to me

Strongly Agree	0	0.00%
Agree	1	7.69%
Neither Agree nor Disagree	0	0.00%
Disagree	5	38.46%
Strongly Disagree	7	53.85%
	13	100.00%

E. Lack of clarity of the survey form

Strongly Agree	1	7.14%
Agree	2	14.29%
Neither Agree nor Disagree	1	7.14%
Disagree	7	50.00%
Strongly Disagree	3	21.43%
	14	100.00%

Note: One respondent provided two responses. He or she responded "Strongly Agree" in regard to the Class B survey form and "Strongly Disagree" in regard to the Class A survey form.

F. Lack of support from DSS management

Strongly Agree	0	0.00%
Agree	1	7.69%
Neither Agree nor Disagree	0	0.00%
Disagree	7	53.85%
Strongly Disagree	5	38.46%
	13	100.00%

G. My caseload

Strongly Agree	2	16.67%
Agree	4	33.33%
Neither Agree nor Disagree	4	33.33%

Disagree	2	16.67%
Strongly Disagree	0	0.00%
	12	100.00%

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

H. Follow-up visits to problem centers leave insufficient time for other centers

Strongly Agree	3	23.08%
Agree	4	30.77%
Neither Agree nor Disagree	3	23.08%
Disagree	3	23.08%
Strongly Disagree	0	0.00%
	13	100.00%

I. Size of the survey staff

Strongly Agree	2	16.67%
Agree	5	41.67%
Neither Agree nor Disagree	3	25.00%
Disagree	2	16.67%
Strongly Disagree	0	0.00%
	12	100.00%

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

J. Incompleteness of the survey form

Strongly Agree	0	0.00%
Agree	1	7.69%
Neither Agree nor Disagree	3	23.08%
Disagree	8	61.54%
Strongly Disagree	1	7.69%
	13	100.00%

K. DSS' inability to enforce regulations without advisory committee approval

Strongly Agree	4	30.77%
Agree	8	61.54%
Neither Agree nor Disagree	1	7.69%
Disagree	0	0.00%
Strongly Disagree	0	0.00%
	13	100.00%

L. Other (Please specify.) Enforcing two (2) sets of day care regulations

Strongly Agree	1	100.00%
Agree	0	0.00%

Neither Agree nor Disagree	0	0.00%
Disagree	0	0.00%
Strongly Disagree	0	0.00%
	1	100.00%

L. Other (Please specify.) Open hostility from providers

Strongly Agree	1	100.00%
Agree	0	0.00%
Neither Agree nor Disagree	0	0.00%
Disagree	0	0.00%
Strongly Disagree	0	0.00%
	1	100.00%

Respondents' Additional Comments

Many of the comments regarding this question mirrored comments regarding question number six. Additional comments suggested that supervisory guidance provided to the surveyors is quite helpful, not a hinderance. Comments also addressed the problems surveyors encounter when having to deal with hostile providers. Further comments asserted that Class B standards are not adequate in some regards.

8. The Department of Social Services has provided me with sufficient training which enables me to survey child care centers as well as I possibly can.	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
True	13	100.00%
False	0	0.00%
	13	100.00%

9. In my opinion, the present regulations governing child day care centers are adequate to ensure healthy, safe, and secure environments for children.	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
True	8	57.14%
False	6	42.86%
	14	100.00%

Note: One respondent provided two responses. He or she responded "True" in regard to Class A regulations and "False" in regard to Class B regulations.

Respondents' Additional Comments

All comments regarding this question asserted that the dual licensing system is not in the best interests of children and, in fact, contradicts the intent of regulation.

10. In my opinion, the present enforcement of the regulations governing child day care centers is adequate to healthy, safe, and secure environments for children.	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
True	1	7.69%
False	12	92.31%
	13	100.00%

Respondents' Additional Comments

Some comments indicated that centers need more surveys throughout the year to ensure compliance. Others indicated that threatening to revoke licenses invokes centers to resolve outstanding deficiencies. Further comments indicated that enforcement efforts are impaired by a shortage of licensing staff and the necessity of asking the advisory committees for approval to act on deficient centers.

11. All child day care standards are included on the survey form that I use when conducting surveys of child day care centers.	<u>Respondents</u>
	<u># %</u>
True	11 84.62%
False	2 15.38%
	<hr/> <hr/> 13 100.00%

Respondents' Additional Comments

Some comments indicated that all standards are included on the form, but interpretations or adaptations are sometimes necessary. Additional comments indicated that surveyors must use a degree of professional judgement in some areas; however, this is not seen as problematic.

12. The necessity for me to be familiar with different types of regulations for the different types of facilities (foster homes, juvenile detention centers, etc.) I survey is confusing to me in my job of enforcing the regulations for child day care centers.	<u>Respondents</u>
	<u># %</u>
True	3 23.08%
False	10 76.92%
	<hr/> <hr/> 13 100.00%

Respondents' Additional Comments

Comments indicated that having to deal with two sets of day care standards is more confusing than having to deal with different types of regulations for different types of care facilities.

13. The child day care survey form includes all necessary details for me to fully understand what conditions I am supposed to examine when I am conducting surveys of child day care centers.	<u>Respondents</u>
	<u># %</u>
True	11 84.62%
False	2 15.38%
	<hr/> <hr/> 13 100.00%

Respondents' Additional Comments

Some comments said that the survey form is merely a tool for the surveyors to use; they can refer to the minimum standards if necessary. Other comments suggested that surveyors need to become more familiar with sanitation requirements for day care centers as well as the nutritional differences between Class A and Class B regulations.

14. I must do some interpretation of the child day care survey form when I am conducting surveys of child day care centers.	<u>Respondents</u>	
	#	%
	True	11 84.62%
	False	2 15.38%
	13 100.00%	

Respondents' Additional Comments

Comments indicated that some interpretation of the survey form is necessary for providers.

15. In my opinion, the child day care survey form is clear and easy to understand.	<u>Respondents</u>	
	#	%
	True	12 85.71%
	False	2 14.29%
	14 100.00%	

Note: One respondent provided two responses. He or she responded "True" in regard to the Class A survey form and "False" in regard to the Class B survey form.

Respondents' Additional Comments

Comments suggested that surveyors may, at times, have to make the survey form adapt to specific situations.

16. I think the plan of correction process is not helpful to child day care providers when clearing deficiencies in their centers.	<u>Respondents</u>	
	#	%
	True	2 15.38%
	False	11 84.62%
	13 100.00%	

17. The present format of the child day care survey form is useful in conducting surveys of child day care centers.	<u>Respondents</u>	
	#	%
	True	12 92.31%
	False	1 7.69%
	13 100.00%	

18. The child day care survey form provides me with enough information to make the decision to recommend revocation or non-revocation of a child day care center's license.	<u>Respondents</u>	
	#	%
	True	10 83.33%
	False	2 16.67%
	12 100.00%	

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question.

Respondents' Additional Comments

Comments generally suggested that the form is adequate for the surveyors' purposes.

19. Since child day care providers know that I cannot enforce standards without the consent of the advisory committees, they do not take the need to correct deficiencies seriously.	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
True	5	38.46%
False	8	61.54%
	<u>13</u>	<u>100.00%</u>

Note: One respondent provided two responses. He or she responded "True" in regard to non-vendor centers and "False" in regard to vendor centers. (A vendor center is one that receives federal funds channeled through the state, such as Project Independence or Child Care Food Program funds.)

Respondents' Additional Comments

Some respondents commented that this may, indeed, contribute to providers' reluctance to correct deficiencies. Others commented that many providers are not aware of the committees' existence, and that the lack of fines or other sanctions in the past has encouraged noncompliance. Others suggested that the degree of compliance varies depending upon whether or not the day care center is a vendor center. The threat of revocation was said to be an effective tool to bring about compliance.

Section Four

20. The following three things most contribute to making my job of surveying child day care centers easier.	<u>Respondents</u>	
	<u>#</u>	<u>%</u>
A. Sufficient staff	1	2.94%
B. Working in a region--not statewide/less travel/location of the center	3	8.82%
C. Office staff meetings and training provided by DSS	5	14.71%
D. Personal attributes, such as self confidence to communicate with people, knowledge and understanding of the regulations and the job, belief in and commitment to the purpose of the job, and experience	7	20.59%
E. Support, guidance, and respect from DSS' Baton Rouge office management	9	26.47%
F. Specific, concise procedures which follow an orderly progression to survey completion	1	2.94%
G. Control over my own scheduling	5	14.71%
H. Directors who have organized all documents required, allot time when a difficult center is encountered, and provide contact for any type of facility	3	8.82%
	<u>34</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question. The total number of responses is greater than 12 because some respondents provided multiple responses.

21. The following three things most contribute to making my job of surveying child day care centers more difficult.	Respondents	
	#	%
A. Two sets of standards for day care and surveying several types of facilities	3	8.11%
B. The standards lack sanctions to protect children from bad situations in which they are in danger and to prohibit centers from operating	2	5.41%
C. Consent of advisory committees to enforce regulations; no authority for DSS to act immediately	2	5.41%
D. Provider problems, including attitude, lack of knowledge about regulations, skill level, lack of time for surveyor, poor organization of documents in the center	11	29.73%
E. Amount of travel and working in high crime areas	7	18.92%
F. Follow-ups: problem centers require several visits, and paperwork delays them	2	5.41%
G. Caseload/number of surveyors	7	18.92%
H. Lack of sufficient office time to prepare for field visits	1	2.70%
I. Information, policy, and procedure changes are not given to field staff promptly	1	2.70%
J. Scheduling a month in advance	1	2.70%
	<u>37</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. Twelve surveyors responded to this particular question. The total number of responses is greater than 12 because some respondents provided multiple responses.

22. I have the following comments regarding things that contribute to or detract from my job performance.

Note: Surveyors provided numerous comments in response to this question. We have summarized those comments and presented them below.

The primary contributors to the surveyors' job performance were said to be the high degree of support, supervision, and training provided by management. Surveyors also cited the flexibility that they are allowed to prepare their own schedules. They also commented that being treated as professionals and being able to get assistance when they need it greatly contributes to their job performance, as does being allowed to make their own decisions. Some surveyors said that management provides them with written information on decisions made at staff meetings, which is an asset, but others asserted that the information may not always be disseminated to staff in a timely manner.

Comments also suggested that being able to conduct follow-up surveys as a team contributes to the surveyors' job performance. However, staff shortages often preclude this. Other comments suggested that sending letters to providers with serious deficiencies and having providers with repeated deficiencies meet with program managers has contributed to the surveyors' ability to bring centers into compliance. Another surveyor commented that knowing he or she can improve day care environments for children makes the job easier, despite difficult work and provider resistance. In addition, surveyors indicated that seeing good centers makes dealing with the more difficult providers easier. Lastly, some comments indicated that the training requirements established for Class A providers have contributed to overall improvements in day care centers.

Surveyors provided many comments on factors that detract from their job performance. These factors focused primarily on the dual licensing system, the attitudes and lack of training of some providers, staff shortages, and travel.

Several comments asserted that Louisiana should promulgate only one set of day care standards, which should equally ensure the health, welfare, and safety of all children. Further comments addressed procedural problems the dual licensing system creates.

Surveyors commented extensively on how their dealings with providers can detract from their job performance. Some said that providers perceive the survey process as negative and as an intrusion upon their operations. Others said that many providers do not use the regulation book at all and that others feel they should be exempt from certain standards. Surveyors also said that providers sometimes make excuses for noncompliance and make unnecessary demands on their time. Other comments asserted that some centers have not received surveys in several years, thus creating a situation where providers are not aware of the current standards. Surveyors also addressed the view of some providers that child care is something anyone with little or no training can do. Other comments stressed the need for children to be cared for by people who truly like children and who treat them with respect and dignity.

Surveyors also commented that staffing shortages and excessive travel detract from their job performance. They said that insufficient staffing contributes to surveys not being performed in a timely manner. In addition, it has created a situation where surveyors cannot always conduct surveys in pairs when working in high crime areas or with difficult providers, as they would prefer. Surveyors also commented on the demands of travel time. Surveyors may spend a great deal of time traveling to and from centers that make little or no progress between visits, which is costly, time consuming, and frustrating.

Finally, there were a few comments regarding office procedures that detract from the surveyors' job performance. These comments addressed the insufficiency of time allotted surveyors for evaluating complaints, reviewing follow-ups, and making schedule changes. However, other comments addressed the need to spend minimal time in the office as opposed to being in the field.

Section Five

23. How long have you been employed by the State of Louisiana as a surveyor of child day care centers?	Respondents	
	#	%
Less than one year	3	23.08%
At least one year but less than five years	3	23.08%
At least five years but less than ten years	1	7.69%
Ten years or more	6	46.15%
	13	100.00%

Respondents' Additional Comments

Comments regarding this question indicated that, although some surveyors have been employed for many years, they have limited experience surveying child day care centers.

24. In what region of the state do you survey child day care centers?	Respondents	
	#	%
New Orleans Region	6	35.30%
Thibodaux Region	1	5.88%
Alexandria Region	1	5.88%

Monroe Region	2	11.76%
Baton Rouge Region	4	23.54%
Lafayette & Lake Charles Region	2	11.76%
Shreveport Region	1	5.88%
	<u>17</u>	<u>100.00%</u>

Note: There were 13 respondents to this survey. All 13 responded to this particular question. The total number of responses is greater than 13 because some respondents provided multiple responses.

Respondents' Additional Comments

Additional comments indicated that surveyors sometimes cover other regions in addition to their base regions, if necessary. Comments also suggested a deep commitment to the job.

Appendix D: Survey of Advisory Committee Members

We received twenty-one valid responses to this questionnaire. Not all respondents answered all questions. Notations have been made regarding questions that all respondents did not answer. Questions in which respondents provided more than one response are also noted.

Some respondents included comments with their responses. We have summarized those comments and presented them below each individual question.

1. Of which committee are you a member?	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
Louisiana Advisory Committee on Licensing of Child Care Facilities and Child-Placing Agencies (Class A Committee)	15	100.00%	0	0.00%	15	71.43%
Louisiana Committee on Private Child Care (Class B Committee)	0	0.00%	6	100.00%	6	28.57%
	15	100.00%	6	100.00%	21	100.00%

Respondents' Additional Comments

Additional comments questioned the composition of the committees, specifically the number of state employees appointed to the committees as opposed to the number of day care professionals. The statutory limitation on the number of terms members can serve was also questioned.

2. What do you perceive the role of your child day care advisory committee should be? (Please mark all that apply.)	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
To advise the Department of Social Services on child day care issues	12	32.40%	4	23.50%	16	29.10%
To assist the Department of Social Services in developing child day care regulations	14	37.90%	6	35.30%	20	36.40%
To consent to enforcement actions the Department of Social Services is to take on deficient child day care centers	6	16.20%	4	23.50%	10	18.20%

To advise the Department of Social Services on child day care issues as well as consent to enforcement actions the department is to take on deficient child day care centers	4	10.80%	2	11.80%	7	12.70%
Other--To review all details on file before consent is granted for any enforcement actions. To monitor the department's "interpretation" of regulations as written	0	0.00%	1	5.90%	1	1.80%
Other--Same as above relative to licensed child placing agencies who provide family foster care and adoption services in Louisiana	1	2.70%	0	0.00%	1	1.80%
	37	100.00%	17	100.00%	55	100.00%

Note: The total number of responses to this question is greater than the number of respondents (21) because individual respondents may have provided more than one response to this question. All 21 respondents answered this question.

Respondents' Additional Comments

Some respondents questioned the propriety of including consent power in the duties of advisory committees. Other comments addressed the possibility of forming a child care commission that would write regulations, advise DSS on child care issues, and consent to enforcement actions.

3. Do you feel that Louisiana should promulgate two separate sets of child day care regulations or a single set of regulations?	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
Two sets of regulations	1	6.67%	1	16.67%	2	9.52%
One set of regulations	14	93.33%	5	83.33%	19	90.48%
	15	100.00%	6	100.00%	21	100.00%

Respondents' Additional Comments

Some respondents commented that having two sets of standards creates a perception that one group of centers is not as good as the other, which is not necessarily true. On the other hand, others suggested that the dual licensing system needs to be modified but not necessarily abolished. Respondents commented that this could be accomplished, perhaps, by promulgating one set of day care regulations with waivers for small centers or having one set of regulations for public day care centers and another set for private centers.

4. If you answered one set of regulations for question number 3, what form do you feel a single set of child day care regulations should take?	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
No response. I answered two sets of regulations for question number 3.	0	0.00%	1	16.67%	1	4.20%
The single set of child day care regulations should reflect the current Class A regulations.	7	38.89%	0	0.00%	7	29.20%
The single set of child day care regulations should reflect the current Class B regulations.	1	5.56%	3	50.00%	4	16.70%
A new set of child day care regulations should be written to reflect some components of the current Class A regulations and some components of the current Class B regulations.	5	27.78%	1	16.67%	6	25.00%
A new set of child day care regulations should be written but should not contain any of the current Class A or Class B regulations.	0	0.00%	1	16.67%	1	4.20%
Other--I believe the standards for A & B centers should be the same, but with the cap. punishment (<i>sic</i>) allowance for church-related B centers. Also, child care centers for 3-4 yr olds attached to schools/churches should <u>not</u> be exempt from day care regs & licensing standards.	1	5.56%	0	0.00%	1	4.20%
Other--Class "A" cannot be adhered to as one set of standards by all centers since no special funds are available to many/most centers that cannot/do not wish qualify with requirements.	1	5.56%	0	0.00%	1	4.20%
Other--Home care givers should be licensed under a second set of regulations after combining the present A & B.	1	5.56%	0	0.00%	1	4.20%
Other--A new set of regulations should be written that would suffice for all child care facilities. Since all classes are providing services to children, then the state should make sure that all are serving the needs of children in an environment which is developmentally appropriate as well as safe and conducive for learning.	1	5.56%	0	0.00%	1	4.20%
Other--These rules [Class B Regulations] seem more reasonable with the exception of corporal punishment, I don't feel it's our duty to spank at any level.	1	5.56%	0	0.00%	1	4.20%
	18	100.00%	6	100.00%	24	100.00%

Note: The total number of responses to this question is greater than the number of respondents (21) because individual respondents may have provided more than one response to this question. All 21 respondents answered this question.

Respondents' Additional Comments

Some respondents said that Class A standards should be required for all day care centers. Others said that Class B centers would be forced out of business if they were required to meet Class A standards because they cannot receive public funds and must, therefore, bear the full expense of complying with the standards. Other comments addressed training requirements and said that the Department of Social Services should only provide free training for non-profit centers and that all others should pay a fee to attend state-sponsored training.

5. Do you think that the Department of Social Services should provide the same training for Class B child day care providers as is provided for Class A providers?	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
Yes	13	86.67%	5	83.33%	18	85.70%
No	2	13.33%	1	16.67%	3	14.30%
	15	100.00%	6	100.00%	21	100.00%

Respondents' Additional Comments

Some comments addressed the scarcity of provider training in the past and the hope that federal block grant monies could be used to provide educational programs for child care workers and parents. Many comments said it was important for the state to provide training to all day care centers as a means of improving the quality of child care. Other comments said that the state should provide training on licensing requirements and regulations to all centers. However, further comments addressed the fact that the dual licensing system precludes the state from providing training to Class B centers. Others said that free training should be provided only to centers that abide by Class A standards. Still others suggested abolishing the dual licensing system and promulgating only one set of regulations (a compromise between Class A and Class B regulations), thereby allowing all centers to attend state-sponsored training.

6. If you answered yes to question number 5, on what basis do you feel the Class B child day care providers should receive the training?	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
No response. I answered no to question number 5.	2	13.33	1	16.67	3	14.29%
I feel the Class B providers should receive the training at no charge.	5	33.33	4	66.67	9	42.86%
I feel the Class B providers should be assessed a fee to cover the cost of the training.	6	40	0	0	6	28.57%
Other--on the same basis as Class A whatever that is	1	6.67	0	0	1	4.76%
Other--Class A and Class B should be assessed a small fee to offset costs.	1	6.67	0	0	1	4.76%

Other--[I feel the Class B providers should receive the training at no charge] or [should be assessed a small fee] if it will satisfy the state legal interpretation	0	0	1	16.67	1	4.76%
	15	100.00%	6	100.00%	21	100.00%

Respondents' Additional Comments

Additional comments addressed the importance of providing training to all day care workers, regardless of whether they are Class A centers or Class B centers. Some respondents commented that Class B centers pay licensing fees as Class A centers do and, therefore, should be allowed to receive state-sponsored training as Class A centers do.

7. Do you receive enough information from Department of Social Services' staff on which to base decisions to sanction deficient child day care centers?	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
Yes	10	76.92%	6	100.00%	16	84.20%
No	3	23.08%	0	0.00%	3	15.80%
	13	100.00%	6	100.00%	19	100.00%

Note: Nineteen of the 21 respondents answered this question.

Respondents' Additional Comments

Respondents generally commented that information is sufficient, but they have to ask for it specifically and/or repeatedly.

8. The Department of Social Services' system for identifying unlicensed child day care centers is adequate.	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
Strongly Agree	0	0.00%	0	0.00%	0	0.00%
Agree	1	6.70%	2	33.30%	3	14.30%
Neither Agree nor Disagree	8	53.30%	0	0.00%	8	38.10%
Disagree	4	26.70%	1	16.70%	5	23.80%
Strongly Disagree	2	13.30%	3	50.00%	5	23.80%
	15	100.00%	6	100.00%	21	100.00%

Respondents' Additional Comments

Comments questioned whether there was any such system in place in Louisiana and whether such systems were adequate in any state.

9. The degree of cooperation between the Department of Social Services and my committee is adequate.

	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
Strongly Agree	6	40.00%	3	50.00%	9	42.90%
Agree	5	33.40%	2	33.30%	7	33.30%
Neither Agree nor Disagree	0	0.00%	0	0.00%	0	0.00%
Disagree	2	13.30%	0	0.00%	2	9.50%
Strongly Disagree	2	13.30%	1	16.70%	3	14.30%
	15	100.00%	6	100.00%	21	100.00%

Respondents' Additional Comments

Comments were indicative of the poor relationship between the licensing staff and day care providers in that some providers see the licensing staff as uncooperative and inconsistent in their inspections of day care centers.

10. The Department of Social Services' system for following up on complaints is adequate.

	Respondents					
	Class A		Class B		Total	
	#	%	#	%	#	%
Strongly Agree	2	14.29%	0	0.00%	2	10.00%
Agree	5	35.71%	3	50.00%	9	45.00%
Neither Agree nor Disagree	2	14.29%	0	0.00%	3	15.00%
Disagree	4	28.57%	2	33.33%	4	20.00%
Strongly Disagree	1	7.14%	1	16.67%	2	10.00%
	14	100.00%	6	100.00%	20	100.00%

Note: Twenty of the 21 respondents answered this question.

Respondents' Additional Comments

Respondents' comments addressed that lack of staff the licensing bureau has experienced and the hopes that the follow-up of complaints will be more efficient now that new staff have been hired.

Please tell us what you think would strengthen the day care regulation program and/or what you think weakens it.

Things That Would Strengthen the Day Care Regulation Program

Comments regarding things that would strengthen regulation of day care providers varied. One important issue committee members commented upon was the need for one set of day care standards that should apply to all children. Members questioned, however, which set of standards should be adopted. Some respondents said that this decision should be based strictly on the health, safety, and welfare of the children. Others suggested that we should consider the economic burden placed on providers when they are required to comply with stringent regulations. Some committee members also commented that the Department of Social Services should be able to enforce the day care standards without obtaining committee approval.

Additional comments focused on program staffing. Some comments stated that increasing the licensing staff and paying them competitive salaries would strengthen the regulation program. Others commented that the licensing staff should be required to have educational backgrounds in child care and should receive additional training.

Further comments focused on program operations. Some respondents suggested that revising survey policies and requiring more frequent and more timely inspections would strengthen the regulation program. Others said that policies regarding the investigation of complaints should be improved. Another suggestion was for licensing staff to compile historical data on common deficiencies that centers have and to provide training that addresses those problems.

Additional comments said that improving the working relationship, communication, and understanding of the surveyors' role between providers and the licensing staff would strengthen the regulation program. Others suggested that the licensing staff should provide more services, including training, to the day care providers they monitor. Others addressed the need for surveyors to refrain from making arbitrary interpretations of day care standards. Something as simple as giving licensed providers a checklist of what is expected of them was suggested. Locating inspection staffs and advisory committees at the regional level while retaining overall regulation and policy development functions at the state office was also suggested because this arrangement might better enable licensing staff to respond to the day care community's needs for timely, meaningful inspections and technical assistance.

A final area commented upon dealt with the users of day care services. These comments addressed the need for the state to educate and inform consumers of day care services on the laws, regulations, and other issues affecting their consumption of these services.

Things That Weaken the Day Care Regulation Program

Respondents addressed many of the same issues regarding things that weaken day care regulation as they did in their comments regarding things that strengthen it. Some comments described the current dual licensing system as a weakness because it implies that we have two levels of children, one not deserving as high quality care as the other. Other comments stated that the current standards do not address the children's needs first, as they should. Still others stated that, under the dual system, day care providers are not placed on equal footing.

Some respondents also identified the state's exempting some providers from regulation as a weakness. These comments identified two areas of concern. First, the quality of care in unlicensed settings may not be comparable to that in licensed facilities, which may be unfair to the children. Second, exempting some types of providers may create an unfair business advantage because licensed providers must incur the expenses of complying with day care standards.

Another weakness identified was the Department of Social Services' lack of enforcement authority. Not obtaining criminal background checks on day care workers was also cited as a weakness.

Other comments identified problems associated with the advisory committees. Some comments questioned the propriety of the committees' compositions. Others addressed the overwhelming responsibilities of the committees. Further comments addressed the licensing staff's reluctance to recommend action against deficient centers to the committees. All of these things were said to weaken the state's regulation system.

Additional comments cited insufficient program operations as a weakness in the system. For instance, some comments asserted that the licensing staff's response time for new applications, follow-up surveys, and reports of unlicensed providers was inadequate. Others asserted that policies for addressing complaints against day care centers were inadequate. Still others commented that the licensing staff spends too much time on routine tasks as opposed to prioritizing tasks according to importance. Further comments addressed the types of deficiencies surveyors tend to cite as being primarily of a tangible nature and not addressing certain intangibles that contribute to the quality of care. Others asserted that the surveyors were not familiar with the day care business, which weakens the system.

Other comments identified the lack of understanding about the importance of quality child care as a weakness in the regulation system. The lack of a mechanism to educate the public about day care issues was identified as a major weakness. The inability to prevent child abuse despite a high degree of regulation was also cited as a weakness in the system.

Finally, some comments cited excessive regulation of day care centers as a weakness in the system. These comments addressed the financial impact regulation has on businesses providing day care services and indicated that providers could be forced out of business if regulations are too stringent.

Appendix E: Major Differences Between Class A and Class B Standards

<u>Item</u>	<u>Class A Standards</u>	<u>Class B Standards</u>
General Requirements		
Receipt of local, state, or federal funds	Allowed	Not allowed
Liability insurance	Required	Not required
License fee	Required	Required except for church-owned & operated centers
Transportation	Specific requirements	Not addressed
Record Keeping Requirements		
Personnel records	Specific requirements	Less specific requirements
Daily log on children that includes injuries, accidents, and unusual behavior	Required	Not required
Daily attendance report	Required	Not required
Physicians' statements for children	Required prior to admission	Not required prior to admission
Policy on discipline	Must be posted	Must be available but not necessarily posted
Directors' Requirements (one of the following must be met)		
Note: Class A directors hired prior to the effective date of their regulations have three years to comply. Class B directors hired prior to the effective date of their regulations are not required to comply.		
Certificate from a vocational child care training program, plus one year of experience in a center	Required	Required
Experience as a director or staff in a licensed child care center; plus six credit hours in child care, child development, or early childhood education.	Three years of experience; 30 "clock hours" may be substituted for each three credit hours	One year of experience; 15 "clock hours" may be substituted for each three credit hours
Associate of Arts degree in child development or closely-related area, and one year of experience in a center	Required	Required

<u>Item</u>	<u>Class A Standards</u>	<u>Class B Standards</u>
Directors' Requirements (Cont'd)		
Child Development Associate Credential	Required	Required
Bachelor's degree from an accredited college or university with at least 12 credit hours of child development or early childhood education and one year of experience in a center	Required	Required
Staff Requirements		
Employment of a convicted felon	Not allowed	Allowed with written approval of district judge and local district attorney
Designated time period for compliance with health requirements for staff hired prior to the effective date of the regulations	Within three years	Within 90 days
Employment of a cook/housekeeper	Part-time employee required for centers with 21 to 28 children; full-time employee required for centers with 29 or more children	No specific requirement
Formal approved training	12 clock hours required each year	Not required
Provisions for staff attendance of workshops or conferences	Required	Not required
CPR certification	Required for all staff	Required for all staff, but new staff are allowed 90 days to comply
Additional staffing for nighttime care	At least two adults must be present at all times, regardless of the number of children. One adult must remain awake all night and periodically check children.	No additional staffing requirements. The adult in charge must remain awake all night and periodically check children.
Environmental Requirements		
Group sizes limitations	Established by children's ages	None
Outdoor play space	Minimum of 75 square feet for at least half of the capacity is required	No space requirement

<u>Item</u>	<u>Class A Standards</u>	<u>Class B Standards</u>
Environmental Requirements (Cont'd)		
Soft surface under climbing equipment	Required	Not required
Sleeping arrangements	Specific requirements for the use of cribs, cots, and mats	Less specific requirements
Covering for sleeping	Required	Not required
Maximum amount of time infants may be left in cribs while awake	30 minutes	No specific time limit, but shall not be "excessive"
Corporal punishment	Not allowed	Allowed with written parental permission
Parental Notification		
How to file complaints with DSS	Required	Not required
Parental visitation	Required	Not required
Nutritional Requirements		
Hot meals	Required for children in care for five or more hours	Not required
Breakfast	Required for children who have not had breakfast	Not required
Food sold to children	Not allowed	Not addressed
Infants given bottles in bed if they can hold bottles	Allowed with written parental permission	Not addressed
Source: DSS Minimum Standards for Class A and Class B Child Day Care Centers		

Appendix F

Agency Responses

Department of
Social Services'
Responses



State of Louisiana
Department of Social Services
OFFICE OF THE SECRETARY
755 RIVERSIDE NORTH, 2ND FLOOR
P.O. BOX 3776 - PHONE - 504/342-0286
BATON ROUGE, LOUISIANA 70821

EDWIN W. EDWARDS
GOVERNOR

GLORIA BRYANT-BANKS
MSW, ACSW, BCSW
SECRETARY

March 4, 1992

Mr. Daniel G. Kyle, PhD, CPA
Legislative Auditor
P.O. Box 94397
Baton Rouge, LA 70804-9397

Dear Mr. Kyle:

It is our understanding from the instructions given by Ms. Fitzgerald and Mrs. Brown that we were to respond officially only to the recommendations made in the performance auditor report. These responses are attached.

It is our further understanding that we could respond to the full report and that it would be included as an appendix to the report. Due to time restraints and other workloads, we have chosen only to respond to the recommendations. However, it must be noted that many of the problems and time delays were due to a carryover of problems encountered with the transition from DHHR to DHH and then to DSS and to a severe staff shortage. Improvements have already been made as new staff have been hired and new procedures have been put into place.

Sincerely,

Bill Ludwig
Deputy Secretary

BL/SP/pgw

RESPONSES TO RECOMMENDATION

Page 1

Recommendation 1

We concur with the importance of full and prompt fingerprint checks to the extent that is stipulated under the law. The Deputy Secretary has met with officials of the Office of State Police to discuss this problem.

Recommendation 2

We concur, however, due to past budgetary constraints and staff shortages, we have had to prioritize our workloads. Our telephone number has been publicized over T.V., radio and newspapers during many interviews. Also, it is given out during every speaking engagement, at workshops, by other state agencies and by the Better Business Bureau.

Recommendation 3

We agree with the importance of policies and procedures, however, disagree with the assumption that we do not have policies and procedures. They were not in a format that the reviewers found acceptable. Staff are updated on all changes as they occur through memos, monthly staff meetings and staff training sessions. We will work towards putting all policies and procedures in the format suggested by the reviewers.

Recommendation 4

We agree that unlicensed centers are a problem and in addition to our current procedures we will request further assistance from our legal staff. We disagree with the assumption that we do not help them meet standards as we do consult with them, refer them to other agencies such as Bureau of Quality Assurance, fire, health, and local officials. We currently keep every applicant advised of their status as to requirement necessary to complete the licensing process and also advise them in writing that they shall not operate without a license.

Recommendation 5

We concur with the requirement for no less than annual survey. However, with the severe shortage of staff in the past we were unable to visit all centers timely. We strongly disagree with the recommendation that a full day care license be valid for 12 months after a center has been on a provisional license for a portion of the license year. We must stay within the license year for each center as to do otherwise would totally disrupt procedures of the State Fire Marshal, State Health Department, and contract agencies in addition to our being unable to collect the annual license fees and work with a planned workload.

Recommendation 6

Our responsibility of ensuring health and safety of children in child care is always considered in determining if a providers efforts toward compliance are in good faith. Decision to license or not to license require rational judgements to act in the best interests of children while not needlessly putting centers out of business.

Recommendation 7

Due to severe understaffing problems, we did not have the time or staff to put our policies and procedures in the format as desired by the reviewers. We are currently reevaluating our process and management controls since additional staff has been obtained.

Recommendation 8

We concur. As stated in recommendation 8, we are currently re-evaluating our process for monitoring. In addition, the new computer system will have a program whereby reports will be generated on a daily basis.

Recommendation 9

We disagree. This process was tried in the past and it proved to be costly, ineffective and led to the possibility of field staff being biased toward a center. It is more important to obtain a fair and unbiased review of the current situation at the center. However, this information is available now on an as needed basis and will be even more accessible with our new computer system.

Recommendation 10

Although we have procedures, we will institute a more detailed tickler file for monitoring these complaints and following up as necessary.

Recommendation 11

We concur and this has already taken place effective January 1992. With our current number of field staff, we project that all facilities will be surveyed according to current law and policies.

Recommendation 12

We feel this was unjust criticism since established and approved Civil Service procedures are followed. On a formal basis, we comply with Civil Service on employee evaluations. On an informal basis, we monitor staff performance on a continuing basis.

Recommendation 13

We concur and will develop a more comprehensive training plan. We will again request the individual training records from DHH for those employees transferred over to DSS. Documented training given at previous staff meetings, as well as future meetings, and outside workshops will be placed in their files.

Recommendation 14

The new computer system has been purchased. The bureau's needs were considered and a process of ongoing monitoring has already been put into place.

Office of
State Police's
Responses



STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
PUBLIC SAFETY SERVICES

EDWIN W. EDWARDS
GOVERNOR

COL. PAUL W. FONTENOT
DEPUTY SECRETARY

February 28, 1992
HQ-1-0097

Dr. Daniel G. Kyle
Legislative Auditor
State of Louisiana
P. O. Box 94397
Baton Rouge, Louisiana 70804-9397

Dear Dr. Kyle:

We are basically in agreement with your findings regarding the State Police Bureau of Identification under title, "Criminal Background Checks".

In considering your recommendation, I think it would be informative to mention the following.

The Bureau has a wide variety of tasks to perform without the resources to do them. In spite of this, Bureau personnel have performed at maximum levels. However, the volume of work continues to expand and backlogs continue to grow.

To address this problem immediately and in the future, the Bureau has established objectives which are obtainable given sufficient resources. We intend to ask the Legislature for sufficient funds this year to hire 30 people to work on eliminating the backlogs. In addition, we will ask for funds to hire consultants to specify the proper Automated Fingerprint Identification System (AFIS) which we want to fund next year.

This coming year, given the resources, we intend to reduce the backlogs and conduct studies to determine precisely what AFIS equipment we need to carry us into the future.

Following is some specific information you might find useful.

The Bureau of Identification is mandated by law to provide a wide array of services. The major functions are as follows:

1. Process criminal fingerprint cards submitted by law enforcement agencies.
2. Process fingerprint cards submitted by Corrections.
3. Process fingerprint cards submitted by coroners in cases of unidentified corpses, autopsies, or inquests.
4. Process latent prints submitted by criminal justice agencies.

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- 5. Expunge criminal histories upon judicial orders.
- 6. Make dispositions to update and process files.
- 7. Process FBI rapsheets for the purpose of updating Louisiana files.
- 8. Fingerprint walk-in customers.
- *9. Submit to FBI the criminal history check on Child Protection Act applicants.
- *10. Establish a system of identification and analysis of genetic markers using blood and saliva of all sexual offenders.
- 11. Assist law enforcement agencies and others in fingerprinting processes and technology.
- 12. Process applicant fingerprint cards and run criminal history checks for (among others):
 - a) Child Protection LRS. 15:587.1
 - b) Private Security LRS 37:3276
 - c) Racing Industry LRS 15:587A(1)
 - d) Gaming LRS 1485.5

*Not implemented due to lack of funding.

To give you an idea of the volume of work moving through the Bureau, the following activities were accomplished during the period January 1, 1990 through December 31, 1990:

1. Criminal cards found on Findex	113,350
2. Criminal cards classed and searched	47,842
3. Criminal identifications made	152
4. Criminal cards handled	167,557
5. Applicant cards classed and searched	49,179
6. Applicant cards handled	51,684
7. Applicant identifications made	111
8. Inquiries handled	56,999
9. Records furnished	11,331
10. Dispositions handled	24,984
11. FBI Rapsheets handled	4,763
12. Expungements handled	3,563
13. Cards, folders, records filed	162,123
14. GCH's added	18,100
15. People fingerprinted	4,346

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16. Latent checked	2,894
17. Latent cases made	303
18. Automated Fingerprint Identification System (AFIS)	20,696
19. AFIS hits	1,241
20. Latent hits	504

In spite of this volume of work, the following backlog exists in these major Bureau tasks:

Criminal fingerprint cards	12 months
Dispositions of charges	24 months
FBI rapsheets	24 months
Expungements	20 months
Child Protection applicants	24 months

The Bureau has approximately 560,000 computerized criminal histories on file. However, the present AFIS data base has only about 184,000 fingerprint records. The Bureau receives about 750 new cards each day but is capable of adding to AFIS only about 75 per day, or 1500 per month.

The Bureau has received a number of proposals from equipment manufacturers to upgrade our system. New equipment would enable an operator to enter more data at a faster rate with greater accuracy than the current system. We are not prepared at this time to specify in detail exactly what equipment with what capabilities will correct our problems and successfully carry us into the future. Studies to be conducted in the immediate future will help to determine these needs.

Monies for AFIS have been requested in the past, and have been deleted during the budget process at one stage or another. Last year the monies were not included in Governor Roemer's Executive Budget Request, nor were any monies for new or expanded services.

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In closing, please understand, it is our full intention to coordinate with the Department of Social Services and anyone else necessary to resolve the problems we find in implementing child protection laws.

Sincerely,

Paul W. Fontenot

Colonel Paul W. Fontenot
Superintendent
Louisiana State Police