Parntering to Improve Child Care

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What does the Public Health Law Center do?

We help Drue eat strawberries and kale!
Legal Technical Assistance

- Legal Research
- Policy Development
- Publications
- Trainings
- **Direct Representation**
- **Lobby**
Equality doesn't mean Equity
As the rate of childhood obesity has more than tripled in the United States over the past 30 years, many obesity prevention efforts have focused on school-age children and the school environment. Child care settings also play a fundamental role in establishing healthy eating and physical activity habits. Over half of all children between the ages of zero and five regularly spend significant time in non-parental child care. There is untapped potential for government to take meaningful action to prevent childhood obesity through the implementation of nutrition, physical activity, screen time standards and other policies in child care settings.

There are many other exciting strategies to promote health in the child care setting, including healthy food procurement and group purchasing agreements. Farm to Preschool and Safe Routes to School programs, shared use agreements, supportive breast milk policies, and school gardens.

Check out our resources below and in the sidebar.

**Healthy Child Care - 50 State Review**

Every state regulates the child care setting differently, depending on the type of child care facility and provider. The Public Health Law Center has developed a 50-state analysis of child care licensing laws, including state statutes and licensing regulations. We have highlighted the laws in each state for easy review by advocates.
### Who is Regulated: States Vary

- **Type & Number of Settings**
- **Definition**
- **Exemptions from Licensure**

<table>
<thead>
<tr>
<th>Alaska</th>
<th>North Dakota</th>
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<tbody>
<tr>
<td>Child Care Facilities</td>
<td>*Child Care Centers</td>
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<td>*Family Child Care</td>
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<td>*School-Age Child Care</td>
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<td>*Self-Declaration Providers</td>
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<td>*In-Home Child Care</td>
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<td>*Preschool</td>
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Nutrition Standards Vary
Linkage to CACFP: Should Update

The state regulation for the specific child care setting will automatically update when the final rule takes effect. Some examples include:

- USDA’s CACFP as the required nutritional standard, without a specific chart
- “Current” USDA or CACFP, with or without a chart
- Code of Federal Regulations (CFR) by reference, no date
Linkage to CACFP: May Update

The state regulation for the specific child care setting *may or may not* automatically update when the final rule takes effect. Language is less clear in these circumstances. Some examples include:

- Indirectly references CACFP (“meet USDA standards”, “Food and Nutrition Service, USDA”)
- State agency must provide the update, which means an automatic update is ambiguous.
- Links to CACFP with a chart with the current CACFP meal pattern
- Ambiguous reference to a federal program, with CACFP chart
- Regulation uses permissive language, like “may use” or “must be based on” CACFP.
- CACFP is one example of nutrition standards, and the other examples used are also CACFP-based nutrition standards (i.e. Virginia)
Linkage to CACFP: Will Not Update

The state regulation for the specific child care setting will not automatically update when the final rule takes effect. Some examples include:

• Different nutrition standard, no mention of CACFP
• Standards mirror CACFP, but no mention of CACFP or any federal program
• Citation to Code of Federal Regulations (CFR) and a specific year of reference
Linkage to CACFP

- SHOULD UPDATE “The center shall serve each child a full, nutritionally balanced meal or snack as defined by the USDA Child and Adult Care Food Program.” Iowa Child Care Centers and Preschools
- MAY UPDATE “The licensee must design and implement a nutrition program that meets the U.S.D.A. guidelines for the nutritional and dietary needs and feeding requirements of each child....” Massachusetts Child Care Settings
- WILL NOT UPDATE “All food shall be safe and of the quality and in the quantity necessary to meet the needs of the children. Each meal shall include, at a minimum, the amount of food components as specified by Title 7, Code of Federal Regulations, Part 226.20, (Revised January 1, 1990) Requirements for Meals, for the age group served.” California Child Care Centers
# Child Care Centers & Small Family Homes

<table>
<thead>
<tr>
<th>Should Update (8)</th>
<th>May Update (8)</th>
<th>Does Not Update (22)</th>
<th>Mixed (13)</th>
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Child Care

As the rate of childhood obesity has more than tripled in the United States over the past 30 years, many obesity prevention efforts have focused on school-age children and the school environment. Child care settings also play a fundamental role in establishing healthy eating and physical activity habits. Over half of all children between the ages of zero and five regularly spend significant time in non-parental child care. There is untapped potential for government to take meaningful action to prevent childhood obesity through the implementation of nutrition, physical activity, screen time standards and other policies in child care settings.

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FIGURE 1
Spectrum of Opportunities for Obesity Prevention in Early Care and Education Settings

- Improved Nutrition, Breastfeeding, Physical Activity and Screen Time Policies, Practices, Environments

- Pre-service & Professional Development
- Facility-level Interventions
- Technical Assistance
- Access to Healthy Environments
- Early Learning Standards
- Family Engagement
- Emerging Opportunities
- Licensing & Administrative Regulations
- Quality Rating & Improvement System (QRIS)
- Child & Adult Care Food Program (CACFP)
- Funding & Finance
Leveraging the Child & Adult Care Food Program

Promoting Healthier Eating Standards for Out-of-School Time in Kentucky

Children and youth spend up to 15 hours per week in after-school and other out-of-school time (OST) activities when school is in session, or as many as 40 hours per week during the summer or other extended school breaks. Implementation of healthy eating and physical activity (HEPA) standards and programming in OST settings is a natural complement to school wellness and early learning wellness initiatives. Multiple studies have found that OST programs can make modest improvements in unhealthy weight gain in children and youth.

A focus on OST environments must be part of a comprehensive strategy to prevent childhood obesity.

One tool that states can use to provide healthier meals and snacks for more children and youth in early care and education centers is the federal Child and Adult Care Food Program (CACFP). This report provides a pathway for how it can be a key component of a comprehensive strategy to prevent childhood obesity.

Leveraging the Child & Adult Care Food Program

Promoting Healthier Eating Standards for Out-of-School Time in New York

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Nutrition, Active Play & Screen Time

Florida’s Child Care Licensing Laws

Child care providers are in a unique position to cultivate practices by children that encourage healthy eating, active play and limited screen time. Nearly two-thirds of all three- to five-year-olds are in some form of child care. Children and youth spend up to 35 hours per week in child care or other out-of-school activities. Implementation of healthy eating and physical activity (HEPA) standards and programming in the child care setting is a natural complement to school wellness and early learning wellness initiatives. A focus on the licensed child care environment must be part of a comprehensive strategy to provide nutritious food and increased active play. This resource outlines how the current child care licensing laws in Florida address nutrition, breastfeeding, active play, and screen time compared to the YMCA of the USA’s Healthy Eating and Physical Activity (HEPA) standards.

Who regulates child care settings in Florida?

The Florida Legislature has created related statutes regulating child care, springing instead from authority to the Cabinet for Health and Family Services. This state agency has enacted a series of regulations governing the child care licensing structure in Florida.

Nutrition, Active Play & Screen Time

Kansas Child Care: An Overview

Child care providers are in a unique position to address the childhood obesity epidemic and tobacco-related health burdens. The Public Health Law Center has developed a series of resources designed to inform and support Kansas’s efforts to cultivate child care settings that promote healthy eating, positive exercise habits, reduced screen time, and tobacco-free environments. This fact sheet outlines how child care is defined and regulated in Kansas.

Nutrition, Active Play & Screen Time Laws in Minnesota

Child care providers are in a unique position to address the childhood obesity epidemic and tobacco-related health burdens. The Public Health Law Center has developed a series of resources designed to inform and support Minnesota’s efforts to cultivate child care settings that promote healthy eating, positive exercise habits, reduced screen time, and tobacco-free environments. This fact sheet outlines existing laws in Minnesota that promote healthy eating and active play.

Nutrition, Active Play & Screen Time

Kentucky’s Child Care Licensing Laws

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Who regulates child care settings in Kentucky?

The Kentucky Legislature has created relatively few laws regulating child care, instead delegating broad authority to the Cabinet for Health and Family Services. This state agency has enacted a series of regulations governing the child care licensing structure in Kentucky.

Nutrition, Active Play & Screen Time

Missouri’s Child Care Licensing Laws

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The Missouri Legislature has enacted a series of statutes regulating the child care setting. These statutes establish a basic licensing structure and delegate authority to the Department of Health and Senior Services (DHSS) to create rules for child care programs. These statutes do not regulate anything relating to nutrition, physical activity, breastfeeding, or screen time; the power granted to DHSS allows for implementation of rules to
Voluntary Health Recognition Programs

An Emerging Approach

Voluntary Healthy Out-of-School Time Recognition Programs

Many children and school-age youth spend more than 70% of their waking hours in child care, schools, or out of school settings. Implementation of healthy eating and physical activity (HEPA) standards and programs in OST settings is a crucial part of a comprehensive strategy to prevent and reduce unhealthy weights. In 2011, the YMCA of the USA, with the assistance of the National Institute on Out-of-School Time and the University of Massachusetts Boston, introduced the Healthy Out-of-School Time Coalition and developed a national set of HEPA standards tailored specifically for OST providers. The voluntary health recognition programs are an innovative new way to support broad implementation of these HEPA standards.

What is it?
A voluntary recognition program sets out specific HEPA standards for programs to implement. It goes beyond asking what legal requirements, if any, are needed. It typically also provides support — including technical assistance and training — to encourage programs to meet the standards. In 2014, the California legislature established the DASH All Schools Act.

How does it work?
DASH applies to OST programs serving school-age kids and youth. It establishes HEPA standards that providers will certify that they meet through a website and receive a certificate to use as a marketing tool. The California Department of Education administers the program. The standards address healthy eating, physical activity, screen time, social and emotional development, and relationships. The website provides technical assistance resources and a guide for providers.

What to consider...
The voluntary focus avoids adopting one-size-fits-all standards or requirements. Instead, it allows for flexibility by leaving it up to providers to determine what works best for their particular setting. It allows only those who choose to participate.

Promoting Healthy Eating & Physical Activity

Healthy Out-of-School Time Programs for Indiana through Paths to QUALITY

Implementing Healthy Out-of-School Time in North Carolina

Voluntary Health Recognition Programs

OCTOBER 2015
Available for Each State

• Highlighted Child Care Licensing Regulations
• State-specific Healthy Food, Active Play & Screen-time Comparison Charts
• CACFP Analysis by Setting
• OST Voluntary Program Analysis
In Production

• State Child Care Setting Definitions & Exemptions

• State-specific Ratings on Healthy Food, Active Play and Screen-time Components
publichealthlawcenter.org/childcare

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