

# Child Care Regulatory Reform Overview



## Summary

The Gianforte Administration is committed to expanding access to quality and affordable child care for Montana families. In addition to allocating over \$90 million in federal funding to support the child care industry, DPHHS also spent the past year overhauling the child care licensing administrative rules.

The proposed rules are designed to decrease barriers and increase capacity for quality and affordable child care, address stakeholder requests for increased clarity and consistency, and meet the guidelines of Governor Gianforte's Red Tape Relief Initiative. The rules also are designed to comply with legislation passed during the 2021 Session of the Montana Legislature with respect to exemptions regarding immunization requirements.

Throughout this process, the department also carefully balanced its obligations to ensure the health and safety of children in care.

The proposed rule package document is online at: [dphhs.mt.gov/LegalResources/administrativerules](https://dphhs.mt.gov/LegalResources/administrativerules)

A public hearing on the proposed rules is set for Monday, November 28 at 9 a.m. via Zoom. DPHHS will be accepting public comments through 5 p.m. on December 2.

## Main focus areas

Our rules package is focused on:

- Increasing child care capacity
- Ensuring safety
- Repealing and replacing rules to clarify provider obligations

The following are examples of new or revised existing rules that align with the above focus areas.

This is not a full listing of all the proposed rules. The full list of rules can be found on the DPHHS website listed in the summary section of this document.



**Greg Gianforte, Governor**  
**Charles Brereton, Director**



# Increasing Child Care Capacity

## Child-to-staff ratios; program staffing

Several new rules address child-to-staff ratios and staffing qualifications.

For example, one proposal calls for a child-to-staff ratio at child care centers of 20:1 for five years old and over with a maximum group size of 40. The current rule is a ratio of 14:1 and a maximum group size of 32.

The proposed program staffing rule clarifies which staff members can provide direct care and count toward compliance with child-to-staff ratio requirements. The proposed new rule would eliminate the duplicative staffing requirements from multiple rules, making the rule easier to find and understand while also reducing barriers to entry to the child care profession. Stakeholders identified these changes as necessary to grow Montana's child care system and workforce, which is essential to increasing its child care capacity.

## Pilot projects

To increase child care capacity, a new option is proposed for providers to develop innovative pilot projects in order to test new approaches to child care delivery.

## Indoor/outdoor space

Indoor and outdoor rules add flexibility for programs in shared spaces. The proposed outdoor rule especially supports urban settings without access to private space in using public outdoor space to meet requirements.

## Building requirements

The proposed rules clarify how child care providers can use apartment buildings and basements, provided there are adequate fire safety options in place. This supports increased capacity for providers residing in different types of residential settings.



# Ensuring Safety

## Background checks

Several proposed rules address background checks. One proposed rule would clarify who is required to receive a background check and the frequency of each type of required check. This would streamline expectations and timelines for new staff hires and staff renewals, which may decrease the burden of hiring and retaining staff. These proposed changes align with the child care licensing assessment findings, and would ensure that the state requirements are aligned with federal regulatory requirements.

## Transportation safety

This proposed rule consolidates requirements related to child seats and restraints, and overall safe driving practices. It also clarifies how providers may use school buses for program-related transportation and gives out-of-school providers the option to utilize various forms of transportation.

## Sleeping

This proposed rule would provide a single, clear location for all sleep requirements and guidance, which could improve the safety of children while in a sleep environment by using a simple, clear definition of a safe sleep environment. The proposed new rule would maintain but streamline core sleep safety standards and includes culturally appropriate safe sleep environments like cradleboards.

## Safety around water

This proposed rule addresses numerous safety requirements related to the safety of children around bodies of water.



# Repealing & Replacing Rules to Clarify Provider Obligations

## New child care licensing category

The proposed rules add a new child care licensing category – out-of-school-time care for school age children. This change is expected to allow providers who offer out-of-school-time care the option to become licensed. This would include organizations such as Boys and Girls Clubs, YMCAs, and others providing care to children ages six and up during non-school hours. Licensure with the state would make these providers eligible to receive certain federal funds.

## Licensing or registration related to corrective action

This proposed new rule provides clarity on the corrective action process. The proposal is intended to give notice to child care providers on corrective action plan content, and on the process by which providers could submit additional information to the department in the event of a contested deficiency. This proposal would provide an opportunity for child care providers and the department to collaborate and resolve alleged violations early in the process, preventing the elimination of critical child care slots.

## Applying for and renewing licenses and registrations

These proposed rules provide a roadmap of licensing and registration processes in rule using a sequential order, making it easier for prospective providers to understand whether they need to be licensed or registered, and what to expect from application through inspection and eventually renewal. The rules ensure providers retain a full license or registration to allow for continuity of services if there are delays in processing the renewal application.

# Frequently Asked Questions

## What were the goals of this large project?

The project had four primary goals, including:

- Increasing capacity for affordable and quality child care by removing unnecessary barriers for child care providers to become licensed and child care staff to be employed.
- Ensuring alignment with federal requirements for receiving funds from the Child Care Development Fund Block Grant.
- Allowing providers and families to understand, navigate, and implement the rules more easily.
- Complying with legislation passed during the 2021 Session of the Montana Legislature.

## Did DPHHS seek input from key stakeholders?

Yes. DPHHS engaged a multitude of diverse stakeholders to understand the strengths of and the gaps in the current child care licensing program. Robust engagement occurred through a contractor-led assessment process, in which more than 700 child care facility owners and staff, parents, employers, state and local agency partners, legislators, and interested parties provided input on the program's rules, policies, processes, and data systems through surveys, interviews, and focus groups.

Additional questions? Email [jebelt@mt.gov](mailto:jebelt@mt.gov).

