




IDAHO DEPARTMENT OF
HEALTH & WELFARE

BRAD LITTLE – Governor
ALEX J. ADAMS – Director

OFFICE OF THE DIRECTOR
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
PHONE 208-334-5500
FAX 208-334-6558

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MEMORANDUM

TO: **State-Licensed Daycare Facilities**
FROM: **Alex J. Adams, Director** 
SUBJECT: **Approval of Limited Waiver Request Under Section 67-9415(1)(b), Idaho Code, Effective August 1, 2024**

Statutory Requirements for Waivers

Section 67-9415, Idaho Code, allows any person to petition a licensing authority for a waiver of or variance from a licensing requirement under certain circumstances. The authority of subsection (1)(b) requires the petitioner to propose an alternative that, in the opinion of the licensing authority, will afford substantially equal protection of health, safety, and welfare intended by the particular licensing requirement for which the waiver or variance is requested.

The Department may deny the petition or approve it in whole or in part. If approved, the Department may specify whether any conditions are placed on the waiver or variance or whether a specific time period for the waiver or variance is established. The statute generally requires action within twenty-eight (28) days after submission.

Department Review

A petitioner sought a waiver of the “maximum allowable child: staff ratio” spelled out in 39-1109(4), Idaho Code:

- (a) The maximum allowable child:staff ratio shall be a maximum of twelve (12) points per staff member using the following point system:
 - (i) Each child in attendance under the age of twenty-four (24) months shall equal two (2) points.
 - (ii) Each child in attendance from twenty-four (24) months to under thirty-six (36) months of age shall equal one and one-half (1 1/2) points.
 - (iii) Each child in attendance from thirty-six (36) months to under five (5) years of age shall equal one (1) point.
 - (iv) Each child in attendance from five (5) years to under thirteen (13) years of age shall equal one-half (1/2) point.

(b) Each child in attendance shall be counted by the department for purposes of calculating maximum allowable points, counting the number of children in attendance and for determining compliance with child:staff ratios.

A study was provided as justification that the proposed alternative will afford substantially equal protection of health, safety, and welfare. The authors of the provided study were professors at Creighton University and Utah State University at the time of publication.¹ They note:

We find that maximum child–staff ratios, group size limits, and training requirements significantly increase the cost of child care... The existing literature suggests that structural measures of child care quality, such as group size limits or child–staff ratios, do not actually enhance child care outcomes or safety, whereas other measures relating to teacher training have a positive effect on outcomes.

Child–staff ratios and group size limits, which are also regulated, are less effective in improving quality. They are significantly related to the cost of child care, however, and therefore make child care less affordable, especially for low-income families. Prudent regulatory reform should focus on deregulating those aspects of child care that are least cost-effective.

Further, they noted prior research from Blau (2007) and Currie and Hotz (2004):

Blau (2007) argues that an additional unintended consequence of regulating group size limits and child–staff ratios is that they reduce staff wages at child care centers, which may actually have a negative effect on child development, because lower wages deter the most qualified teachers from working at child care centers and result in greater staff turnover (also associated with a lower quality of care).

Currie and Hotz (2004) analyze another dimension of quality: safety. They find that only the education of directors has any effect on the safety of children. Although having more educated directors is associated with fewer accidents, regulations on child–staff ratios and inspections have no significant effects.

The Department supplemented this review of research with studies known to program staff, and studies identified through a literature search. Prior research by Moss and colleagues (2002) summarizing domestic and international research on child-staff ratios demonstrated mixed but positive feedback, finding that parents reflect more satisfaction with daycares that operate with lower child-staff ratios.² An issue brief from OECD notes that lower staff-to-child ratios lead to better staff-child interactions, less stress for staff, and better child development.³

¹ Gorry D. and Thomas D. (2015). *Regulation and the Cost of Child Care*. George Mason University, Mercatus Center Working Paper. <https://www.mercatus.org/students/research/working-papers/regulation-and-cost-child-care> (Accessed: 13 June 2024).

² Moss P. et al. Research on Ratios, Group Size and Staff Qualifications and Training in Early Years and Childcare Settings. Department of Education and Skills, University of London. Thomas Coram Research Unit. 2002 <https://dera.ioe.ac.uk/id/eprint/4642/1/RR320.pdf> (Accessed: 13 June 2024).

³ <https://www.oecd.org/education/school/49322250.pdf>

Puni-Nyamesem and colleagues compared state ratios to standards set forth by the National Association for the Education of Young Children (NAEYC).⁴ This paper reviews the history behind child-staff ratios, and how they have generally become stricter over time. The authors are positive toward ratios, citing research that smaller groups allow teachers to have more social interaction with children, making the extension that this leads to better individual attention, increased quality, and lower stress for teachers and children.

At least three systematic reviews and meta-analyses have been published since 2017. Perlman and colleagues (2017).⁵ The authors concluded:

Child-staff ratios ranged from 5 to 14.5 preschool-aged children per adult with a mean of 8.65. All 29 studies were included in the systematic review. However, the only meta-analysis that could be conducted was based on three studies that explored associations between ratios and children's receptive language. Results of this meta-analysis were not significant. Results of the qualitative systematic review revealed few significant relationships between child-staff ratios and child outcomes construed broadly. Thus, the available literature reveal few, if any, relationships between child-staff ratios in preschool ECEC programs and children's developmental outcomes.

Bowne and colleagues (2017) found some positives of child-staff ratios, finding that “both class size and child-teacher ratio showed nonlinear relationships with cognitive and achievement effect sizes.”⁶ Meanwhile, Dalgaard and colleagues (2022) concluded:⁷

The main finding of the present review is that there are surprisingly few quantitative studies exploring the effects of changes to adult/child ratio and group size in ECEC on measures of process quality and on child outcomes. The overall quality of the included studies was low, and only two randomized studies were used in the meta-analysis. The risk of bias in the majority of included studies was high, also in studies used in the meta-analysis. First, findings from the present review tentatively support the theoretical hypothesis that lower adult/child ratios (fewer children per adult) and smaller group sizes beneficially influence process quality in ECEC. This hypothesis is reflected in the existence of standards and regulation on the minimum requirements regarding adult/child ratios and maximum group size in ECEC. However, the research literature to date provides little guidance on what the appropriate adult/child ratios and group sizes are.

A review of child-staff ratios in other states provided by the National Center on Early Childhood Quality Assurance further reveals that some states have, or recently had, ratios that allow more

⁴ Puni-Nyamesem et al. Child Care Centers Licensing Standards in the United States from 1981 to 2023. *Early Childhood Education Journal*. 2023;1-10. 10.1007/s10643-023-01569-6. <https://www.researchgate.net/publication/373656079> Child Care Centers Licensing Standards in the United States from 1981 to 2023 (Accessed: 13 June 2024).

⁵ Perlman M. et al. Child-staff Ratios in Early Childhood Education and Care Settings and Child Outcomes: A systematic Review and Meta-analysis. *PLoS ONE*. 2017;12(1) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0170256> (Accessed: 13 June 2024).

⁶ Bonnes Bowne et al. A Meta-Analysis of Class Sizes and Ratios in Early Childhood Education Programs: Are Thresholds of Quality Associated With Greater Impacts on Cognitive, Achievement, and Socioemotional Outcomes? *Educational Evaluation and Policy Analysis*. September 2017, Vol 39, No. 3, pp. 407-428.

⁷ Dalgaard et al. Adult/child ratio and group size in early childhood education or care to promote the development of children aged 0-5 years: A systematic review. *Campbell Collaboration*. Available from: <https://onlinelibrary.wiley.com/doi/epdf/10.1002/cl2.1239>

children per staff than Idaho for different age groups. For example, for those aged 35 months, Idaho allows a ratio of 8:1, whereas one state allows 12:1, three states allow 11:1, and 7 states allow 10:1 for centers. Other studies use different definitions of infant and toddler, making ratio comparisons more difficult, and others compare childcare homes, but still reveal ratios less stringent than Idaho at the older age groups.

While data is mixed, there does not appear to be definitive data supporting one child-staff ratio over another, though it is logical that smaller ratios can be beneficial for certain quality-related outcomes and may even be preferred by parents. What, then, is the role of state licensure versus private accreditation versus parents making prudent decisions that are in the best interest of their children? If a state ratio is set too tight, it might limit the number of available settings, reducing access and therefore denying parents opportunities that they would have sought in the absence of state intervention. Parents may judge the pros and cons of various facilities that are state licensed and make decisions in the best interest of their family judging cost and quality.

In the preamble to the chapter for which a waiver is sought, the Legislature states: “It is hereby declared to be the policy of this state to establish a minimum statewide system for the protection of children in daycare facilities. This system is intended to establish minimum standards, while still leaving primary responsibility for evaluation and selection of daycare services with parents.”

Safety is, and therefore must be, the Department’s primary focus. The available data and lived experience of other states supports that granting this waiver will not compromise safety. Once safety is assured, parents are well-positioned to take the next step regarding quality and make the decisions that work best for them and their children. As such, this waiver has the likely benefit of increasing access without sacrificing safety.

Lack of access to daycare can create its own issues. Data from the Bipartisan Policy Center suggests that Idaho, in 2019, had a childcare gap of up to 20,910 children – or 28% of children statewide.⁸ Moreover, this gap was particularly pronounced in rural areas. Further, many Idaho families experience long wait lists when trying to access childcare.

However, certain limitations will be placed on this waiver as an additional precaution to fulfil the Department’s duties to safety. No increase will be added to the infant group. Idaho was at the maximum ratio for children under 12 months of any state according to the National Center on Early Childhood Quality Assurance, hence no additional cap will be added to this age group at this time. Further, just one child per age group will be added to the ratio for older age groups as a means to gather evidence for future policy changes, even though other states allow more flexibility than this. Further, parental notification of ratios will be added as a condition of the waiver to reflect parental choice and transparency.

This limited waiver is voluntary, and no daycare is required to pursue it and no parent has to opt-in to any specific daycare facility. Further, all the current oversight functions of inspections, reporting, and quality remain intact to ensure safety over time. Safety incidents unfortunately can and do happen in daycare facilities, and maintaining oversight to ensure the Department can respond to complaints and follow-up on inspections is a critical function that is fully retained.

⁸ <https://childcaregap.org/assets/onePagers/Idaho.pdf>

Conditions on the Limited Waiver and Further Departmental Actions

The Department will grant waivers to childcare providers to allow an expanded child-staff ratio for children, consistent with the ratios in Appendix A for the time period August 1, 2024 through June 30, 2025, provided they submit a signed petition that includes the following requirements:

- Childcare providers must attest that operating at this capacity is reasonable and prudent for the facility, consistent with the fire code, and other safety standards.
- Childcare providers must attest that they will provide notification to all parents of the child-staff ratio with which the facility will operate and maintain this ratio during all hours of operation when children are in attendance.
- Childcare providers must provide a brief report no later than May 30, 2025, with sufficient information to demonstrate to the Department that safety has not been impacted in order for an extension of the waiver to be granted.
- Any inspection violations may result in termination of this waiver.

To the extent this limited waiver results in any entity falling within the definition of a daycare center at Idaho Code Section 39-1102(4), Idaho Code, as operating a facility for 13 or more children, those provisions applicable to daycare centers still apply, including fees (Section 39-1107, Idaho Code) and training (Section 39-1119, Idaho Code).

This waiver authority only applies to state-licensed facilities and does not apply in any jurisdiction if local laws are more stringent.

The Department will communicate directly with licensed childcare providers to explain the waiver attestation and reporting processes by August 1, 2024. The point of contact during and after implementation will be ChildCare@dhw.idaho.gov.

Childcare support is an area that I intend to focus on as Director. Access and availability to appropriate childcare is critical for Idahoans and is a major impediment to the workforce. I'll be exploring how to improve and enhance our existing subsidy programs. I will work with internal and external stakeholders to identify opportunities to enhance childcare support and access throughout Idaho. More info on Idaho's current child care assistance programs and how families may apply is available on the DHW website: <https://healthandwelfare.idaho.gov/services-programs/children-families/apply-child-care-assistance>

Appendix A

Age Group	Current Ratio¹	Waiver-Approved Ratio for Facilities Meeting the Outlined Conditions	Current Point Value per Child	Equivalent Point Value per Child with Waiver
Under 24 months	6	6	2	2
From 24 to under 36 months	8	9	1.5	1.33
From 36 months to under 5 years	12	13	1	0.923
From 5 years to under 13	24	25	0.5	0.48

1. Idaho uses a point system. This portrays the current ratio in the context of specific age groups.