

Child Care Licensing in Arkansas: Implementation Guide

The Arkansas Department of Education, Office of Early Childhood leads the state's work in licensing child care facilities. As part of this charge, the Office of Early Childhood developed the Arkansas Minimum Licensing Rules for Child Care Facilities. The Child Care Licensing Unit, within OEC, created the process to implement the licensing rules.

The licensing process has evolved over time, adjusting to fit new circumstances and address old issues. This implementation guide is designed to help child care facility licensees and owners better understand the process - what's going to happen, how, and why. The beginning of this document provides context on the Child Care Licensing Unit's approach to licensing, then walks through each of the steps, from application to appeal. Included in this document are links to useful templates, training, and additional resources to further guide you in your licensing experience. In the last section of this guide, you'll see some of the exciting updates we've made to strengthen the implementation.

Please reach out to anyone on the Child Care Licensing Unit if you have questions or ideas.

Approach to licensing

The guiding objective of child care licensing in Arkansas is to ensure that all children remain safe and healthy while in care of a licensed child care facility. To that end, Arkansas's approach to child care licensing is based in rules and processes that allow both child care facilities and the Child Care Licensing Unit to concentrate their finite time, capacity, and resources on the things that matter most to children's health and safety. This section provides an overview of the key principles that guide the state's approach to child care licensing.

Children's health and safety is the ultimate priority

Arkansas's Minimum Licensing Rules and licensing process are designed to create the baseline conditions and systems necessary such that every child is **healthy and safe** by defining what must be true for a child care facility to operate **secure care environments**. The objective of child care licensing is not to set or enforce high standards of quality, performance expectations, or aspirational practices for child care facilities. Instead, Arkansas's Minimum Licensing Rules and processes form the foundation on which quality efforts can build.

Child care licensing is designed based on a tiered approach

To ensure that children's health and safety remain the top priority, the Office of Early Childhood uses a **tiered approach** to child care licensing that is grounded in regulatory science and based on the Child Care Facilities Licensing Act. With this approach, each licensing requirement is tiered based on the relative importance to children's health and safety.

There are two classifications of licensing requirements. **Class A** requirements are the standards that are most critical for children's health and safety and are prioritized accordingly. **Class B** requirements are all other minimum licensing standards. Class B standards are important - otherwise they wouldn't be included in the licensing requirements - but they do not carry the same weight or gravity for children's health and safety. The Class A and Class B requirements are clearly marked in Arkansas's Minimum Licensing Rules for Child Care Facilities and carry implications for licensing implementation processes and child care facility compliance.

- Compliance monitoring reviews are defined based on Class A and Class B requirements. A **comprehensive review** is a review of facility compliance with Class A and Class B licensing requirements. A **risk assessment** is a review of facility compliance with Class A licensing requirements
- Facilities that meet the standards of Class A and Class B requirements are considered to be in **full compliance** with the Minimum Licensing Rules, whereas facilities that meet the standards of Class A requirements are considered to be in **substantial compliance**.

These concepts are explored further in the following sections. By using tiered Class A and Class B classifications, the Office of Early Childhood **explicitly acknowledges** that health and safety standards should sit above all others. Licensees and Child Care Licensing Specialists have a **shared understanding** of what standards are most important and how they should dedicate their time and capacity. At the same time, licensing **implementation systems** are designed around these classifications, creating a more efficient licensing processes for everyone involved.

Securing a facility license

To secure a child care facility license, prospective licensees work closely with the Child Care Licensing Unit to meet licensing qualifications. The license application and issuance processes are tailored and scaffolded. Prospective licensees receive comprehensive, hands-on support during the initial application, and the Child Care Licensing Unit gradually reduces the scope of guidance and oversight as early stage licensees demonstrate compliance with Minimum Licensing Rules. This section describes the stages of the application process, demonstrating capacity to provide care, and the conditions of a new provisional license.

Sidebar: Church-operated exemptions exist alongside facility licenses

Per the Child Care Facilities Licensing Act, child care facilities operated by certain churches are exempt from obtaining a child care license. Instead, these facilities can apply for a **church - operated exemption**. The processes and rules for church-operated exemptions are similar to those required of facilities applying for a child care license. The few exceptions are noted in the Minimum Licensing Rules and in this guide. For the sake of simplicity and brevity, throughout this document we use the language "licensees" and "licensed facilities" to refer to both licensed and church-operated exempt child care facilities.

Stages of application process

The license application process is balanced to ensure that applicants are prepared to lead a safe and secure child care facility while reducing the burden and confusion of applying.

If you are interested in opening a new child care facility, you can initiate the process by indicating your **intent to apply** through the Enterprise Licensing System, Office of Early Childhood website, or contacting the Child Care Licensing Unit directly. Both individuals and entities (e.g., LLC) are eligible to hold child care facility licenses. Once you submit your intent to apply, you'll receive an **applicant number** . By submitting your intent to apply, you are not committing to opening a program or going through the application process - you are answering a few simple questions to get additional information.

Once you submit an intent to apply, you will receive an email with a **packet of comprehensive information** about child care licensing and application process, including training webinars, necessary forms, and guidance materials that describe the requirements to be licensed as a child care facility. At that point, a **Child Care Licensing Coach** will contact you directly to schedule a conversation to review the Minimum Licensing Rules and application requirements, discuss next steps, and answer questions. Throughout the application process, the Child Care Licensing Coach will be your direct contact and will guide you through the process, help you troubleshoot challenges, and update you on the status of your application.

If you decide to continue the application process, you'll need to create an account on the Enterprise Licensing System and submit an **electronic application** . The electronic application includes **information about the facility** you plan to open as well as **documentation** that you've completed key requirements, such as regulatory checks and fire marshal inspections if applicable.

Meeting expectations for care

Following application submission, the Child Care Licensing Coach and regional **Child Care Licensing Specialist** will review your application to ensure all information and documentation is submitted and meets the standards for approval (e.g., approved health department inspection if applicable). Additionally, the Child Care Licensing Specialist will, within two weeks, assess that the facility meets **physical location standards** . Assessing physical location standards requires an **on-site visit to the facility** ; the Child Care Licensing Specialist will reach out to you to schedule.

You will receive **updates** throughout the application review process with the status of your application. Within **30 days of application submission** , the Child Care Licensing Coach will **notify you of any issues** that may jeopardize your facility being approved -- such as missing application materials or if the facility or documentation does not meet the required standards for approval. At that point, you will have **60 days to address the identified issues** and resubmit your application. Once you have done so, your application is **considered complete**. If you do

not submit within 60 days, your application is **considered withdrawn** . The Child Care Licensing Coach will reach out regularly throughout the process to check the status of your revisions.

Once your application is considered complete, the Child Care Licensing Unit has **60 days to issue a decision** . If the Child Care Licensing Unit does not issue a decision within that timeframe, **your application is considered approved** . If your application is denied, you are able to **appeal the decision** through the appeal process outlined below.

After you are approved for a license, you must meet a few more standards **before providing care** . You must share **documentation** that you have secured adequate **liability insurance** and your director(s) have completed **director training** and **orientation training** . Documentation can be shared with your Child Care Licensing Coach, your Child Care Licensing Specialist, or through ELS. At that point, you are now officially a **child care facility licensee** and can provide care under that license.

Supporting early stage licensees

Child care facility licensees are initially issued a **new provisional license** , which is a time-bound license that has increased support and engagement than a regular license. During the first three months, your Child Care Licensing Specialist will provide **on-site technical assistance** , including strategizing implementation of the requirements to fit your context and community's needs, troubleshooting challenges, and offering constructive guidance. Your Child Care Service Licensing Specialist's goal is to **support you** in meeting **all Minimum Licensing Rules** , with particular attention to Class A requirements for safe and secure care environments. For licensees who **do not currently hold any facility licenses** , the duration of a new provisional is limited to **one year** . For licensees who **do currently hold facility license(s)** , the new provisional timeline is limited to **three months** if all of the facilities for which they currently hold a license meet certain criteria. Specifically, the licensee's facilities must have, for at least the past year:

- Maintained a regular license
- Had no founded child maltreatment or licensing violation complaints
- Remained in substantial compliance with all Class A requirements
- Was not on a Corrective Action Agreement

In both scenarios, if your facility has remained in **substantial compliance** (i.e., did not have any deficiencies in any of the Class A requirements) throughout the duration of the new provisional license, then you will be **issued a regular license** . If your facility was **not in substantial compliance** or was unable to demonstrate substantial compliance (e.g., did not enroll children), your license may be revoked or suspended, or you may be issued a successive new provisional license. You will know well before the end of your new provisional license how your facility has fared on meeting standards for substantial compliance: Your Child Care Licensing Specialist will identify and work with you to develop a strategy to address any potential challenges with meeting performance standards as they arise.

Adjusting existing licenses

Current licensees can make two types of adjustments to an existing facility license: Change the facility's licensed **capacity** or the **ages** of children the facility is licensed to enroll. If you're interested in making either of these adjustments, you can initiate the process by indicating your **intent to adjust an existing license** through ELS or contacting the Child Care Licensing Coach or your Child Care Licensing Specialist. At that point, you will receive information through email, ELS, and from the Child Care Licensing Coach about any additional requirements that you may need to meet depending on the type license adjustment and the process for submitting. Your Child Care Licensing Specialist will also reach out to schedule an on-site visit if necessary. The decision and notification deadlines for a license adjustment are the same as the deadlines for an application for a new facility license.

If you are the licensee for a **licensed child care family home** , you can use the same process to suspend your existing license and register your facility as a **registered child care family home** . Again, you will receive information digitally and the Child Care Licensing Coach will contact you to share information and initiate the process. Because the requirements for registered child care family homes are a **subset of the requirements** for licensed child care family homes, if your facility is in substantial compliance with the Minimum Licensing Rules, you likely already have all of the elements in place to be approved. Please note that if you register your facility as a registered child care family home, your current license will be **suspended** as soon as your new registration is approved. Former licensees of **high-compliance licensed child care family homes** can apply to reinstate their previous license within one year of their most recent **risk assessment** .

Conditions for maintaining a license

In order to maintain a license, child care facilities must meet the standards of performance for Arkansas Minimum Licensing Rules. This section describes the principles and processes for supporting child care facilities in this goal.

Tailored, efficient, and transparent reviews are the foundation of licensing

Your Child Care Licensing Specialist will conduct **licensing reviews** of your facility to assess if your facility meets the standards of approval for the Arkansas Minimum Licensing Rules and to provide guidance to do so. Licensing reviews are **tailored** to each licensee's context and history, creating the foundation for an **efficient yet effective** system.

Licensing reviews involve on-site visits, which allow for **real-time observations of facility practices** , as well as reviews of **records and documentation**. Whenever feasible, Child Care Licensing Specialist are encouraged to conduct record and documentation reviews **off-site** . Off-site review of records and documentation is possible through **Arkansas's Enterprise Licensing System (ELS)** for licensees who use the portal to upload materials. Off-site digital review of records and documentation can be more **efficient** than on-site reviews of physical documents, **limits the amount of time** that a Child Care Licensing Specialist must spend in the

facility, and **reduces the burden** of licensees for complex and space-consuming organizing systems within their buildings. If you are experiencing issues with ELS, step-by-step training and guides are [available here](#), or you can reach out to the Child Care Licensing Coach.

As mentioned earlier, there are two types of licensing reviews, each of which focuses on a different set of priorities. In a **risk assessment**, your Child Care Licensing Specialist is assessing how your facility is meeting Class A requirements -- the requirements that are most critical for children's health and safety. During a **comprehensive review**, your Child Care Licensing Specialist is looking into all Minimum Licensing Requirements.

If a facility meets all standards of approval during a risk assessment, they are in **substantial compliance**. Facilities that meet standards of approval during a comprehensive review are in **full compliance**. Additionally, facilities are considered **high compliance** if, for the past year, they:

- Maintained a regular license status
- Had no founded licensing or child maltreatment complaints
- Remained in substantial compliance with minimum licensing requirements
- Were not on a Corrective Action Agreement
- Had a Better Beginnings Level 4-6 designation

Licensing reviews occur on a **regular cadence** based on the facility's strengths, needs, history, and type of license, described below.

- **Facilities with new provisional licenses** : Your Child Care Licensing Specialist will conduct, at a minimum, a risk assessment **every month for the first three months** of your new provisional license. In addition to this risk assessment, your Child Care Licensing Specialist will look into **any other Minimum Licensing Rules** that you didn't previously demonstrate through the application process.
- **Facilities with regular licenses** : Your Licensing Specialist will conduct, at minimum, two licensing reviews every year. One review will be a **scheduled comprehensive review**; the other will be an **unscheduled risk assessment**.
- **High-compliance facilities** : Your Child Care Licensing Specialist will conduct an **unscheduled risk assessment** every year and a **scheduled comprehensive review** every two years.

Outside of this cadence, there are other reasons your Licensing Specialist might look into your facility's practices in the context of meeting licensing standards. For example, your Licensing Specialist might:

- Review **specific time -specific requirements** (e.g., your Licensing Specialist will know when a regulatory check or fire inspection expires and may ask to review verification of renewal)
- Assess facility practice as part of an **alternative compliance request** or **support plan**
- Conduct **additional risk assessments** as part of support plans, to follow up on deficiencies, or as conditions of a suspension order
- Investigate **complaints** of possible licensing violations and/or child maltreatment

While several of these reviews may be unscheduled, none of them should be a surprise. Your Child Care Licensing Specialist will proactively communicate when there are health and safety concerns and work with you to address them. You can also use the [licensing self-monitoring tool](#) to get a better sense of your facility's practices.

For each licensing requirement **assessed during a review**, the Child Care Licensing Specialist documents if the facility is in compliance, out of compliance, or has been granted an accommodation (discussed further below). The findings of every review are carefully **documented** in ELS in a licensing report as part of a facility's licensing history.

When the review is complete, the Licensing Specialist will sign the licensing report, **share the licensing report** with you through the ELS provider portal, and **ask you to sign**. By signing the licensing report, you are acknowledging that you **received** the licensing report; signing **does not signal** that you agree with the findings or even that you had time to fully read the report. Signing does not prevent you from requesting an accommodation, pursuing an alternative compliance, contesting a deficiency, or appealing any adverse actions.

Noncompliances are first addressed with support

The Child Care Licensing Unit's approach to assessing Minimum Licensing Rules is grounded in a mentality of **support** for facilities. Your Child Care Licensing Specialist isn't trying to "**catch**" you; their goal is to identify challenges and **work with you** to address them to ensure the safety of children in your care.

If a Licensing Specialist identifies a **noncompliance** during a review, they will raise the challenge to the licensee and **propose** a support plan to address it. A support plan is **not punitive** and is not linked to a deficiency. It is an **action strategy** designed to help licensees adjust their facilities' practices to comply with licensing requirements and keep children safe and secure.

The support plan outlines the relevant **Minimum Licensing Rule** and **challenge** that led to the noncompliance, the **changes** that must occur for a facility to be in compliance with the requirement, the **technical assistance** that will be provided to support the licensee in implementing those changes, any **follow -up** on behalf of the Child Care Licensing Unit, and the **timeline** for implementation. [See here for an example support plan.](#)

The technical assistance content is based on the work of the Child Care Licensing Unit's in-house **Technical Assistant Coaches** and network of partner **TA Consultants**, who together have produced a **robust suite of trainings and resources**. The technical assistance menu includes **topic -specific** guidance, which is particularly helpful for effective support plans. For example, if a teacher corrects a child's behavior by reducing their outside play time, the support plan might include a condition that the teacher complete the Behavior Guidance Best Practices training. You can look through available [licensing trainings here](#) (and please feel free to suggest other trainings that would be useful to you or your team).

Because support plans are carefully **documented** and **connected** to specific licensing requirements, they form a body of **institutional knowledge** for the Child Care Licensing Unit. If a support plan is being developed for a facility, **existing support plans** can serve as the **foundation** or **starting point** for the new plan. There will be differences across the facilities' circumstances, strengths, needs, and history that must be considered in the support plan, but existing plans can offer insight into the experiences of other licensees, making the process more **efficient** and ensuring there is **consistency** in the approach to noncompliances and interpretation of facility practices.

Support plans are not punitive and therefore **cannot be appealed**. However, support plans include a timeline for when the plan will be **revisited** to assess effectiveness, and you can **propose revisions** to your Licensing Specialist or a Technical Assistance Coach at any time.

Facilities can safely explore new interpretations of requirements

The Arkansas Minimum Licensing Rules are written to balance specificity and flexibility: The rules cannot - and should not - define every potential manifestation of a licensing requirement, restrict "common sense" interpretation, or stagnate the evolution of child care. At the same time, children's safety and security is nonnegotiable. Through **accommodations** and **alternative compliance** requests, the Child Care Licensing Unit has created opportunities for facilities to safely and responsibly explore new ways to interpret and implement the standards of approval for licensing requirements.

Accommodations

During a licensing review, your Licensing Specialist may issue a determination of **compliance with accommodation**. Licensing Specialists grant accommodations in situations when a facility is implementing a practice that **meets the standard** of a requirement but **differs from the traditional way** that the requirement has been interpreted. By allowing accommodations, the Child Care Licensing Unit is acknowledging that every facility exists within its own **unique context** and there are different ways to meet a standard that still are in **compliance** with the requirement.

Accommodations are similar to alternative compliances, in that in both scenarios the facility **complies with a licensing requirement** in unexpected ways. Unlike an alternative compliance, however, accommodations are opportunities to **clarify and allow permutations** of a licensing requirement rather than propose fundamentally different approaches to compliance. [Explore the database of current facility accommodations here.](#)

Accommodations are currently **common practice** among experienced Child Care Licensing Specialists, particularly those who are well-versed with the Arkansas Minimum Licensing Rules. Your Child Care Licensing Specialist **may bring up a potential accommodation** based on their observations, or you can **request an accommodation** by speaking directly with your Child Care Licensing Specialist. Depending on the accommodation, your Child Care Licensing

Specialist may **consult** with their Program Coordinator or other Child Care Licensing Unit leadership.

If granted, accommodations may come with **conditions**, such as a timeline for reassessment, necessary technical assistance, increased monitoring of compliance, or factors that may warrant revoking the accommodation. If an accommodation is revoked, your Child Care Licensing Specialist will work with you to create a **support plan** that gives you adequate time to shift your practice. You can also formally request an **alternative compliance** if you believe an accommodation should have been granted.

Accommodations are **documented in facilities' compliance history**. When a Technical Assistance Coach, TA Consultant, or Child Care Licensing Specialist reviews the facility in the **future**, they will be aware of and know the terms of the facility's accommodation as well as similar accommodations that have been granted to other facilities in the past. Additionally, anonymized information about accommodations is shared with facilities across the state. This information sharing creates a **common knowledge base** among facilities and the Child Care Licensing Unit, supporting **consistent**, **transparent**, and **reliable** approach to facility reviews.

Alternative compliance

The **alternative compliance** process allows licensees to build the Child Care Licensing Unit's understanding of compliance by highlighting **nontraditional** approaches to rule implementation.

A licensee can request alternative compliance for any of the Arkansas Minimum Licensing Rules that are **governed by the Office of Early Childhood**. Licensees cannot request an alternative compliance for requirements enforced by other agencies (e.g., State Fire Marshal inspection standards).

The Child Care Licensing Unit may approve an alternative compliance if the proposed implementation **fulfills the intention** of the original requirement and **doesn't jeopardize** children's safety or wellbeing. If approved, an alternative compliance **explicitly permits** a facility to demonstrate compliance with a licensing requirement in such a way that **differs from the language** of the requirement or that may be considered **out of compliance based on traditional interpretation**.

To request an alternative compliance, indicate your **intent to request alternative compliance** on ELS. You will receive information via email and ELS about the process and requirements, resources for refining your proposed implementation, and [forms to submit](#) your request when you're ready. A Child Care Licensing Coach will contact you directly to answer questions and learn more about your proposed implementation.

The alternative compliance request must include the following information:

- The **requirement(s)** you're requesting for alternative compliance
- A **description** of the proposed alternative implementation of the requirement

- An **explanation** of and **evidence** supporting how the alternative implementation meets the **intent** of the original requirement and **maintains** children's safety
- A description of the **potential risks** of the alternative implementation and your strategy to **mitigate the risks**

You'll need to submit this information for **each requirement** you're requesting for alternative compliance, though if your alternative compliance request is related to **multiple rules**, you should submit all materials at once.

The Child Care Licensing Unit **leadership team** makes decisions on alternative compliance requests, with input from a Technical Assistance Coach or TA Consultant, the facility's Child Care Licensing Specialist, and other outside expertise as necessary.

The leadership team will consider your alternative compliance request in the context of your facility's **compliance history**, including if there have been any issues with the relevant requirements that are unrelated to your alternative compliance request. Within **10 days** of submitting your request, someone from the Child Care Licensing Unit leadership team will reach out to you via email or ELS to ask you for **additional evidence or information**.

The Child Care Licensing Unit will issue a decision on your alternative compliance request within **60 days** of your submission. You'll receive notification via email and the ELS provider portal. If approved, your alternative compliance will be granted for the **duration of your license**, unless a shorter timeframe is specified on the approval. The alternative compliance will also have **clear conditions** for continued approval, including any **parameters for implementation** events that may lead to the alternative compliance being **revoked**. If your alternative compliance request is denied, you will receive information about appealing the decision and training materials for complying with the target requirement.

Information about alternative compliance requests are shared with the Child Care Licensing Unit and facilities across the state to help inform decisions and build a shared understanding of potential implementation of licensing requirements. You can look through [all past and current alternative compliance](#) requests - both denied and approved.

Responding to deficiencies

Collaboration and support are Child Care Licensing Specialists' first and strongest licensing strategies when they identify a facility noncompliance. However, Child Care Licensing Specialists may cite a facility for a **deficiency** if there is identified risk to children's safety. Deficiencies are **punitive licensing decisions** that can trigger corrective action requirements, reduce **families' trust**, or jeopardize a facility's **license status**, quality rating **performance**, or access to certain types of **public funding**.

Child Care Licensing Specialists will cite a facility for a **deficiency** if the facility is in **noncompliance with Class A requirements** and the cited noncompliance:

- Cannot be **immediately remedied**
- **Repeats** a noncompliance from the facility's most recent review or on-site visit, even not cited as a deficiency or identified in a support plan
- Is the subject of a **support plan** that the facility is currently on
- Is one of **multiple noncompliances** with Class A requirements identified during the same on-site visit or review

Licensing Specialists may also cite deficiencies if there are more concerning health and safety noncompliances, such as founded child maltreatment complaints. [See here for real \(deidentified\) examples of noncompliances that led to deficiencies.](#)

During your licensing review, if your Licensing Specialist identifies a noncompliance that might warrant a cited deficiency, they will **discuss the finding with you** prior to the end of the review and propose a **support plan** as discussed above. The Licensing Specialist will **document** the deficiency finding and support plan in the compliance history ELS, at which point it will be available to you as the licensee through the provider portal. [See here for an example compliance history with cited deficiency.](#) Once the information is logged in ELS, you receive additional information about the implications of a deficiency, next steps, and your options for appeal, as well as the technical assistance support and information you would receive as part of a support plan. The Child Care Licensing Coach will reach out to you to further clarify any questions or concerns.

If licensing reviews of a child care facility indicate the facility is exhibiting **patterns of deficiencies** that are inconsistent with safe and secure care, the Child Care Licensing Unit may issue a **Corrective Action Agreement**.

Child Care Licensing Specialists will recommend a Corrective Action Agreement for facilities that were cited for **two or more Class A deficiencies in the past four months**. Child Care Licensing Specialists may also recommend a Corrective Action Agreement in the absence of a previous support plan or cited deficiency if the facility had **founded child maltreatment complaints** or allowed a situation that created an **imminent threat to child safety** (e.g., a child left alone in a car).

In structure and objective, Corrective Action Agreements are similar to support plans: Non-punitive strategic plan that guides a facility through a series of activities to implement practices to keep children safe and healthy. Corrective Action Agreements differ from support plans, however, in meaningful ways. Because they are a direct response to continued practices that put children at risk, Corrective Action Agreements carry more **intensive** technical assistance requirements, more **frequent** follow-up and review conditions, and more **severe** consequences. If the conditions of a Corrective Action Agreement are not met, a facility is at **risk of adverse action** that would affect the status of their license. Because Corrective Action Plans are a support strategy, they cannot be appealed.

If the Child Care Licensing Unit determines a Corrective Action Agreement is necessary, the Child Care Licensing Specialist will **notify the licensee** directly and share:

- Information about the Corrective Action Agreement **process** and **potential implications**
- Summary of facility **licensing history** that led to the Corrective Action Agreement, including references to an existing support plan if relevant

The content of the Corrective Action Agreement is **collaboratively developed** in a process led by a Technical Assistance Coach or TA Consultant. When the licensee is notified of the Corrective Action Agreement determination, the Technical Assistance Coach or TA Consultant will schedule a time to meet with the licensee and the Licensing Specialist. In advance of that meeting, they will prepare and share recommendations for **technical assistance activities** to support the licensee in addressing the noncompliance, reaching out to the Licensing Specialist and the licensee to gather information as necessary.

In most scenarios, Corrective Action Agreements are a **continuation** of a support plan, which allows the Technical Assistance Coach or TA Consultant to create recommendations that build on and align with established objectives and expectations. Additionally, as with support plans, Corrective Action Agreements are based on institutional knowledge from past support efforts. During the meeting, the Technical Assistance lead, licensee, and Licensing Specialist work through the technical assistance recommendations, layering on the conditions, expectations, and timeline to **design** the complete Corrective Action Agreement. [See here for an example Corrective Action Agreement.](#)

Adverse actions

The Child Care Licensing Unit may issue a facility one or more of the following **adverse actions** if the facility does not comply with a Corrective Action Agreement, is unwilling or unable to meet standards of substantial compliance, or if there is a situation that poses an immediate risk to children's health and safety.

- Issuance of a **probationary license status**
- **Suspension** of a license
- **Revocation** of a license

The Child Care Licensing Specialist initiates the **recommendation** for adverse action and, as part of the recommendation, describes the facility's compliance history, including cited deficiencies, corrective action agreements, support plans, technical assistance, and visit findings. Copies of supporting documentation are also part of the recommendation. Decisions about issuing adverse action are vetted and must be approved by a member of the **Child Care Licensing Unit leadership team** .

Once the Child Care Licensing Unit has decided to move forward with the adverse action, the licensee is **notified** and the **license status** is updated on ELS to reflect the adverse action. The adverse action is **effective** as soon as the change in license status is made in ELS.

Through ELS, the licensee receives a copy of the adverse action **decision** , information about the **implications** and **next steps** , and materials for appealing. The Child Care Licensing Coach directly contacts the licensee to provide further support. The licensee can discuss the adverse action with their Licensing Specialist and the Child Care Licensing Unit leadership team, but they must go through the formal **appeals process** in order to contest the decision.

The Child Care Licensing Unit may issue adverse actions at their discretion based on the health and safety of children in care. This section illustrates several - but not all - of the circumstances that may lead to an adverse action.

Probationary license status is generally issued if the facility has demonstrated the ability and **willingness to comply** with a current or successive Corrective Action Agreement and if the Child Care Licensing Unit and Technical Assistance Coaches or TA Consultants determine that a Corrective Action Plan is **sufficient** to assist the facility in addressing deficiencies and maintaining substantial compliance. Triggering events for a probationary license status might include:

- The facility has repeatedly failed to been cited for deficiencies in **Class A requirements**
- The facility has violated a **Corrective Action Agreement**
- The facility is at the end of a **new provisional license** and has not maintained a **high level of compliance** to warrant a regular license

A facility license may be **suspended** if the facility's **physical space** is deemed an immediate threat to children's safety and if the issue cannot be **immediately** resolved, but the facility would be able to resume normal operation when the harmful conditions are eliminated. Examples might include:

- Withdrawal of approval to operate from the **State Fire Marshal or local fire marshal** (expiration of approval pending re-inspection does not trigger a license suspension)
- Withdrawal of approval from the **Arkansas Department of Health** if the issue cannot be quickly resolved and the Department of Health indicates there is a risk to children in care (In certain cases, the Child Care Licensing Unit may decide to suspend license features related noncompliance - such as the facility's ability to prepare and serve food - rather than suspend the facility's full license)
- **Physical hazards** in the building or on the grounds that, if not corrected, pose an immediate threat of injury or death of a child or adult ([see here for training and guidance on expectations for your facility's physical environment](#))
- Continued failure to comply with the Class A requirements in the [Safety subpart](#) of the Arkansas Minimum Licensing Rules

When a facility's license is suspended, the facility will also be assigned a **suspension order** . A suspension order defines the conditions that must be met to **resolve the challenges** that led to the suspension order. A suspension order cannot be longer than **12 months** , and is in effect either until it **expires** - at which point the Child Care Licensing Unit can **revoke** the facility's license - or until the Child Care Licensing Unit determines the facility has **met the conditions** of the suspension order.

The Child Care Licensing Unit may **revoke** a license if the facility is **fundamentally unable or unwilling** to meet the standards for substantial compliance **regardless of timeline** . For example, a facility's license may be revoked if the facility:

- Has demonstrated an unwillingness or inability to meet requirements to be in substantial compliance with minimum licensing requirements
- Violated a corrective action agreement while holding a probationary status
- Fails to meet the conditions of a suspension order
- Placed children at risk through negligence

If a license is revoked, the licensee **cannot reapply** for a child care facility license for a minimum of **one year** , or longer if the Child Care Licensing Unit determines that is appropriate. Additionally, individuals or entities **affiliated with** the licensee cannot apply for a facility license during that time, which includes immediate family members, members of the board, associated entities, and fictive kin. [See the full list of individuals and entities who are ineligible to apply for a child care facility license.](#)

Appeals

Licensees can appeal any of the following licensing decisions:

- Denial of an application for a license
- Suspension of a license
- Revocation of a license
- Issuance of a probationary license status
- Founded licensing complaints
- Denials of or conditions of alternative compliance requests
- Cited deficiencies

Licensees cannot appeal support strategies, including support plans or Corrective Action Agreements, nor denied accommodations, which are not a formal decision of the Child Care Licensing Unit. Founded child maltreatment complaints must be appealed through the Arkansas Department of Children and Families. [You can learn more about the process to appeal child maltreatment findings here.](#)

As with other steps of the licensing process, you can go through ELS to indicate your **intent to appeal**. The Child Care Licensing Coach will reach out to you and share information, technical assistance materials, and necessary forms based on the type of licensing decision you intend to appeal. You may also be connected to a Technical Assistance Coach or TA Consultant, particularly in circumstances when you are building a strategy for alternative compliance or adjusting practice to meet approval standards for licensing requirements.

To appeal any license decision, you must submit a request to appeal in **writing** that includes:

- A **description** of the **decisions** made by the Child Care Licensing Unit
- The **reasons** you **disagree** with the decision

There is a standard [appeal form](#) that can be used for this request, or you can provide the required information in any written format you prefer. The appeal request must be submitted:

- Through the Enterprise Licensing System
- Directly via email to your Child Care Licensing Specialist, the Child Care Licensing Coach, or a member of the Child Care Licensing Unit leadership team
- Via mail to the Office of Early Childhood

Appeal requests must be submitted by a specific **deadline** according to the type of decision being appealed. The deadline is determined based on the **number of days** after you were **notified** or after the **decision was logged in ELS**, whichever is later.

- Appeal requests for license **application denial**, **probationary status**, **suspension**, or **revocation** must be submitted **within 10 days**.
- Appeal requests for **all other licensing decisions** must be submitted **within 20 days**.

Once your appeal request has been received, you'll receive **confirmation** of receipt via the Enterprise Licensing System and email.

Appeal requests are first reviewed through the Office of Early Childhood's **internal appeal process**. The process is designed to give facilities a **fair second chance**. Each appeal request decision is made by a **group** of individuals convened specifically for the **content** of this appeal. The Child Care Licensing Specialist who **made the recommendation** and the member of the Child Care Licensing Unit leadership team who **approved the adverse action** are consulted for additional information but do not otherwise play a role in the decision. The process is described further in [Administrative Policy #20#](#).

If the appeal request is **not granted**, the licensee is notified through email and ELS. The Child Care Licensing Coach directly contacts the licensee to share information on implications and next steps and, if requested, will **schedule** a meeting between the review committee and the licensee. At that point, if the licensee is unsatisfied with the decision, the licensee can request a determination through an appeal hearing by the statewide **Child Care Appeal Review Panel**. This process is further explained in [Child Care Facility Licensing Act, Arkansas Code §§ 20-78-202](#). If the licensee disagrees with the decision of the Child Care Appeal Review Panel, they can file suit in the Pulaski County Circuit Court.

Strategies to strengthen implementation

The Office of Early Childhood and the Child Care Licensing Unit are pursuing a range of new strategies and building on existing practices to strengthen the implementation of child care licensing. This section outlines critical efforts to that end, aligned to key tenets that reflect the goals and objectives of child care licensing in Arkansas.

Transparent, robust communication and engagement mechanisms

Common challenges with implementation are often a result of inconsistent or incomplete communication and information sharing. We are actively working to build out mechanisms that allow multidirectional communication between the Office of Early Childhood and the field.

Regular opportunities for direct engagement between facilities and the Office of Early Childhood

- The Office of Early Childhood continues to host our monthly provider calls. During these calls, we share critical information and updates that affect facilities' experiences with licensing. We began hosting meetings at different times of the day and week, including on weekends, to accommodate schedules for home- and center-based providers. We send out reminders in advance of the meetings and share out any materials and a summary of the meeting for those who might have missed it.
- We hold regular "office hours" virtually and on-site across the state, where anyone can drop in and ask questions, troubleshoot issues, or learn more about a particular topic. Office hours are usually hosted by Licensing Specialists, creating an opportunity for relationship building between the specialists and providers.

Intentional outreach across communities and through multiple pathways

- We examined the ways that we reach out to provider communities and incorporated additional communication pathways, including multiple social media platforms, Local Leads, and partnerships with trusted community messengers.
- Our outreach messaging is designed in multiple languages.
- We assessed participation in provider calls and office hours and tailored our outreach to better reach individuals who haven't historically engaged. Facilities with lower Better Beginnings levels, for example, are generally less likely to participate, so we are conducting outreach tailored to those communities.

Trusted partners within the Child Care Licensing Unit

- Providers have a consistent contact person to walk them through the licensing process and answer any questions. Because this is a dedicated role, the Child Care Licensing Coach has the capacity to become a licensing process expert and to share that information directly with providers. All providers receive the same information and Child Care Licensing Specialists don't need to build the logistics expertise alongside their support for providers on licensing requirements.
- Providers have a support network through the Technical Assistance Coaches, who can understand and can represent the perspectives of the Child Care Licensing Unit, but who play no role in monitoring providers' compliance with licensing standards. Providers have a space where they can test theories and ask questions without concerns about implications for their licensing status. Technical Assistance Coaches can offer accurate and objective counsel and technical assistance in response.

Structures that foster consistent interpretation of licensing requirements

Another common challenge we heard was about inconsistencies in interpretation of the Arkansas Minimum Licensing Rules and process across facilities, specialists, technical

assistance providers, other partners (e.g., Better Beginnings), and outside agencies (e.g., city zoning). We created several processes to address these issues.

Shared trainings and resources on rule interpretation and implementation

- Providers and specialists complete foundational trainings that define and clarify the intent and interpretation of licensing requirements. This baseline training includes descriptions of common or standard implementations of requirements. In many cases, providers and specialists complete this training together.
- We developed complementary training and resources that focus specifically on nontraditional implementation practices of licensing requirements, based on actual alternative compliance requests and accommodations. These trainings and resources are updated regularly as new evidence from the field becomes available and as facilities explore new practices. Providers also have access to the accommodation and alternative compliance (deidentified) database so they can directly explore the details of alternative compliance and accommodation requests, including those not approved.
- Trainings and resources are available in modules based on topic: A provider interested in interpretation and practices for nutrition, for example, can go directly to that topic.

Proactive identification of potential interpretation challenges

- Every month, the Child Care Licensing Unit reviews ELS data on review findings, particularly accommodations, support plans, and deficiencies. We look for trends in the data - any requirements that were frequently cited, which facilities frequently received accommodations, the consistency of content of support plans. When we find evidence of inconsistent implementation, we clarify what implementation could be, correct any unnecessary support plans or deficiencies, and create resources to communicate that information with specialists and providers.
- When complicated or previously unencountered interpretation questions arise in a program, the Child Care Licensing Unit holds “scenario discussions” with interested licensing specialists, program coordinators, program managers, and, if necessary, a technical assistance support. Together, we review the details of the scenario and come to a consensus on how the result should be treated. These scenarios may come from data reviews, accommodations or alternative compliance requests, or directly from providers and specialists. The decisions, rationale, and background context are shared widely with specialists and providers.

Smoother licensing experience for providers

We heard from providers and specialists that there were sticking points within the licensing process that could make it more difficult than necessary. We created systems with our existing technology to help ease the process.

- The Enterprise Licensing System has become integral in moving the licensing process along and communicating with providers. The system triggers reminders about licensing needs and deadlines - such as when a CPR certification is going to expire, when they might want to start reaching out to the fire marshal, a scheduled on-site visit, what they need to submit for a new teacher they hired.

- ELS is the mechanism providers use to initiate and track progress on the critical moments during the licensing process. When providers indicate they intend to start a step in the process, ELS automatically sends them information related to that stage. The information includes resources, trainings, relevant forms, and triggers a follow-up call from the Child Care Licensing Coach to provide any requested hands-on support. After the stage begins, ELS provides a way to track progress toward completion, such as the necessary components of an application, the timeline for a Corrective Action Agreement, or when they should hear back about an alternative compliance request.
- In the past, child care personnel who changed jobs had to secure a separate regulatory check for each employer, even if they had just completed the required checks. Becoming part of the Arkansas Department of Education helped address this issue. We are able to share regulatory check results directly with applicants along with a letter certifying if they had an eligible result. That letter can serve as evidence of approved regulatory checks for the standard timeline and applicants can request the letter from the Background Check Unit at any time.