

Finding the "Right Rules" for Early Childhood Education

Using Regulatory Science to Balance Safety, Quality, and Affordable Childcare Access

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THE CHILD CARE TRILEMMA

For over six decades, policymakers and educators have wrestled with a delicate balancing act known as the **Child Care Trilemma**: how to simultaneously support **high quality and safety**, ensure widespread **accessibility and affordability** for families, and maintain sustainable **staff wages**. In recent political debates, some advocate for sweeping "deregulation"—cutting safety rules to slash operation costs and open up more childcare slots. However, blindly removing safeguards risks the health of children. Regulatory science provides a data-driven path out of this political gridlock.

THE EVOLUTION OF SMARTER RULES

Instead of removing rules arbitrarily, data can be used to identify the "Right Rules." Over the past 30 years, researchers and medical experts have actively used compliance data to streamline massive safety manuals into manageable, predictive tools:

The Master Standard

Caring for Our Children

700+ Rules: The comprehensive, gold-standard reference book for health and safety in out-of-home care. While thorough, its sheer size is criticized by some as an overwhelming regulatory burden.

Step 1: Risk Assessment

Stepping Stones

~120 Rules: Experts analyzed the master list and distilled it down to focus strictly on regulations where a violation would place children at immediate, high risk of severe harm or illness.

Step 2: Key Indicators

Caring for Our Children Basics

~65 Rules: Using advanced statistical modeling, researchers identified a tiny, core subset of rules that mathematically predict overall compliance across the full 700+ rule baseline.

The Core Theory: Substantial Compliance Equals Full Compliance

Decades of data throughout the U.S. and Canada prove that a facility maintaining "substantial compliance" with key indicator rules achieves the exact same safety outcomes as a facility verified under a tedious 100% check of all 700+ rules. This changes program monitoring from a slow, uniform, one-size-fits-all checklist into a highly focused, agile oversight system.

THINKING OUTSIDE THE BOX

Rather than keeping rules entirely static, regulatory data lets us test creative, systemic solutions.

Consider **staff-to-child ratios**—the single most expensive rule governing childcare operations. Instead of lowering this safety threshold across the board, states could implement an alternating rule: allow a classroom to add an extra child, *but only* if the teacher holds top-tier professional qualifications.

Crucially, the extra revenue generated from that additional child's tuition can be funneled directly into that teacher's paycheck as a structured bonus, directly solving the wage and retention crisis.

A DATA-DRIVEN FRAMEWORK

Moving forward, states should move away from political guesswork and build child care frameworks around two solid pillars:

- **Base Discussion on Science:** Measure existing state rules directly against the ~65 rules in *Caring for Our Children Basics* to ensure core protections stay intact.
- **Solve Measurement with Measurement:** Use actual empirical compliance data to guide which administrative rules get adjusted, ensuring health, safety, and quality are never sacrificed for cost.

CONCLUSION: DATA OVER POLITICS

The child care crisis cannot be solved with knee-jerk deregulation. By embracing the emerging field of regulatory science, policymakers can use concrete compliance metrics to safely shorten inspections, cut unnecessary administrative overhead, and targetedly redirect state licensing resources toward supporting underperforming facilities.

Based on Fiene, R. (2025). "Potential Solution to the Child Care Trilemma Revisited: Finding the 'Right Rules'—The Holy Grail of Early Care and Education." "Exchange Magazine", Summer 2025. For more data-driven licensing frameworks, visit naralicensing.org/key-indicators