
A Paradox in Child Care: Mixed Feelings Between Directors and Regulators

by Edna Runnels Ranck

Child care and early education professionals know all about paradox in their daily lives: they dichotomize between caregiving and education, between parental choice and program autonomy, between professional and paraprofessional staff categories, between caregiving and teaching responsibilities, and between private enterprise and government control.

An ambiguity of thought is present in the director/regulator relationship that can weaken, or even destroy, the effectiveness of the work that is necessary for the well-being of young children.

Directors and regulators are often faced with conflicted feelings about professional roles and responsibilities and the nature of checks and balances and collegiality. If both groups are charged with the protection, care, and education of young children, why are there differences? Why are there problems? Part of the answer lies in the fact that directors and regulators must address not one set of questions, but two areas of concern. First, there is a set of explicit problems:

- Viewing each other as critical, suspicious, manipulative, and punitive;
- Handling the implications of frequent staff turnover in centers and licensing offices; and
- Dealing with the limited opportunities in which directors and regulators can learn about each other's work.

However, beyond these difficulties are other, less frequently examined issues, which, if made more explicit, might contribute to mutual understanding and a more positive attitude toward one another. The two underlying issues are:

- A limited understanding of the role of government in the formation and operation of early child care and education programs; and
- An insufficient knowledge about the legislative and administrative process in which licensing laws are changed and regulatory requirements are revised.

By addressing these two issues—defining the role of government in early child care and education and describing the characteristics of legislative and administrative processes—the unique functions of early child care and education laws and regulations will be identified and directors and regulators should be better able to understand their professional roles and responsibilities and to appreciate their relationships as early child care and education professionals.

Role of Government in Early Child Care and Education

Public policies for some subject areas have been more acceptable than for others. Programs and services identified historically within the domain of the private sector—the

home, family, religious congregation—have resisted most tenaciously the efforts to license or otherwise control behavior. A negative reaction to government regulation of educational programs for young children rests in the belief that families and private organizations, not governments, are responsible for setting policies that, in fact, control various aspects of child rearing.

Political control in such arenas has been interpreted as a detraction from, if not the destruction of, parental and community authority over the lives of children. Therefore, the first law that affects the operation of early child care and education programs marks a radical shift in the underlying assumptions about how children are socialized and educated, and about the role of government in the lives of young children.

Directors and regulators work in a climate in which many believe that early child care and education regulations restrict program development and expansion. Others in the community view regulations as an infringement on and an intrusion into areas best left to parental and professional responsibility. The act of licensing child care and early education programs is, as a result, often both a cause for and a reflection of conflict in human relationships.

Early child care and education laws and regulations are not the result of esoteric and remote efforts to control program operation from the top down; rather, legislative mandates represent an intricately interwoven complex of beliefs, ideas, traditions, and feelings that merge into a particular law in each state at a given time. Laws pertaining to children's programs are based on the assumption that government is in some way closely interconnected with the life of the family and with child-related

organizations. A child-directed law affirms that government has a viable role in protecting vulnerable populations, in allocating scarce resources among eligible recipients, and in establishing standards for educational programs.

In light of the historical resistance to government intervention, the lack of understanding of governmental roles in operating early childhood programs, the misunderstandings of both directors and regulators regarding the need for regulations, it is no wonder that the negative viewpoints of each group are perpetuated. The political issues at the heart of early childhood programming and regulatory activity are among the least understood and most criticized of all the concerns that face program directors and regulators.

Characteristics of Legislative and Administrative Processes

Early childhood professionals know that the developmental needs of children must shape the pertinent licensing laws and regulations that govern program formation and operation. In addition, the laws are also controlled by the nature of the legislative and administrative processes inherent in a pluralistic and democratic society. In such a society, political issues by definition are viewed from not one but from many perspectives. Thus, an ambiguity of thought is present in the director/regulator relationship that can weaken, or even destroy, the effectiveness of the work that is necessary for the well-being of young children.

Laws and regulations passed in American legislatures are not distinct from the nation and states in which they are made, nor do they reflect large, comprehensive shifts in beliefs and actions. Rather, they represent small, incremental changes

that emerge in compromises made over time among coalitions comprised of a range of philosophical and ideological viewpoints.

To summarize, policymaking in America, including laws that pertain to young children and early childhood programs, is characterized by small, incremental changes within a constant climate of ambiguity. Such a change process results in a limited and sporadic, but progressive movement, instead of either a smooth, continuous development or a wildly erratic fluctuation.

Agreement that governments have a role to play in the formation and operation of early childhood programs does not solve the problem, however. Herein lies the ambiguity that plagues both directors and regulators. When leaders and various groups differ widely on what early childhood programs should look like and on how governments should be involved, if at all, the responses tend to arise not as consistent proposals, but from incongruencies that reflect the conflicting viewpoints that are to be expected in a pluralistic society.

But incongruencies frustrate persons who seek simple, easily interpreted answers to problems confronting program operation. How directors and regulators resolve their contradictory viewpoints ultimately determines whether or not and to what degree they will function as colleagues or as adversaries. How can directors function in the professional double bind inherent in incongruencies? How can regulators address the paradox in early child care and education?

Unique Functions of Licensing Laws and Regulations

A paradox is "a statement . . . contrary to perceived opinion," and

“a phenomenon that exhibits some conflict with preconceived notions of what is reasonable or possible.” Michael Kammen, the Cornell University historian, writes in his Pulitzer Prize-winning **People of Paradox** (New York: Oxford University Press, 1972):

paradoxes equivocate . . . involve dialectic . . . challenge some orthodoxy or another . . . involve different figures of speech . . . reflect an ambiguity of thought . . . accumulate in periods of intense intellectual activity, when many different ideas and systems compete with one another, and make [us] sensitive to the doubleness of human perception.

Child care and early education professionals know all about paradox in their daily lives: they dichotomize between caregiving and education, between parental choice and program autonomy, between professional and paraprofessional staff categories, between caregiving and teaching responsibilities, and between private enterprise and government control. The rapid growth of non-family child care programs and services challenges the orthodoxy of family child rearing, the language describing caregiving and education reflects various views on children's needs and adult responses, the proliferation of child care and early education mirrors differing and competing operational systems, and changes in the pattern of early childhood regulations demonstrate the ambiguity of thought toward the role of government in program operation.

Faced with such a dramatic paradox, early childhood professionals must identify a shared response that will minimize the incongruencies, blend the dichotomies, and keep anxieties at a minimum. Responses, too, are in the nature of a paradox, allowing for both similar and disparate points of view. The answer to the need for

a paradoxical response is the licensing laws and regulations themselves, for mandated requirements function in two ways. As G. L. Haskins observes in **Law and Authority in Early Massachusetts** (New York: Macmillan, 1970), “the law appears both as an anchor to tradition and as a vehicle for change.”

As an anchor to tradition, licensing laws provide a *structure* by which to control the operation of early childhood programs by means of rules that protect, provide for, and educate young children; that stabilize numerous program types operating in the community; and that define the appropriate adult responses to children's developmental needs.

On the other hand, licensing laws offer a vehicle for change by serving as a *forum* in which all that is opposed to governmental control is reviewed. In a pluralistic society, the review of licensing laws and regulations are a particularly effective means by which program directors, licensing regulators, and other advocates can collaborate in order to motivate change in obsolete and otherwise inadequate laws and regulations.

Whereas licensing as *structure* serves to incorporate the laws of the state into the operation of early childhood programs and to integrate some of the values of the larger society into the lives of young children, licensing as *forum* seeks to incorporate research information about and experience with young children into the formulation of state policies for children and to integrate the contributions of the child and the family into the wider arena of the state.

Thus, it appears that directors and regulators can use the licensing paradox to forge both their views on the role of government in early childhood programs and on the

professional relationship in which each must operate. A review of the research literature combined with conversations with directors and regulators suggests ways in which the licensing paradox can facilitate an understanding of the similarities and the differences in each job and can help them move beyond the adversarial relationship.

Directors and Regulators Are Both Colleagues AND Adversaries

Licensing as *structure* offers directors the opportunity to:

- Understand the rationale behind the historical development of licensing laws and regulations;
- Recognize and explain the role of government in early childhood programs;
- Use regulations to undergird program performance; and
- Advocate with staff, parents, and the community the need for change in the laws and regulations.

Regulators, already familiar with the laws and regulations, are aided in the following ways to:

- Understand how the very idea of regulation affects the implementation of the daily program;
- Recognize the interrelationship between program curriculum design and the development of regulations; and
- Realize that government's role in protecting and providing for young children's development functions across geographical and socioeconomic lines.

On the other hand, licensing as *forum* provides directors and regulators

alike the opportunity to communicate by means of clarification and interpretation of the regulations, and by offering the opportunity to meet periodically at regional and state-wide meetings at which each can learn about the nature of each other's work responsibilities and about the perceptions that each group has about the other.

Nor do directors and regulators function in isolation; others are available to identify specific strategies for programmatic and regulatory change:

- Professional organizations can develop and promote licensing policy statements;
- Authors can consciously include references to licensing and regulations in their writings and presentations;
- Researchers can refer to licensing and regulations in addressing the topics of staff compensation, health, curriculum development, insurance constraints, and parental roles in programming; and
- Policymakers at the state and federal levels can examine the conditions under which licensing laws and regulations are included or omitted from legislation under consideration.

The roles of directors and regulators are alike in many ways, but at the same time retain distinctions, a perfect paradox. The similarities and the differences are dictated in part by the nature of human nature, the capacity of people to be both helpful and harmful to children. Laws and regulations offer directors and regulators a structure and a forum in which to operate as colleagues *and* adversaries, at their best when functioning as each other's loyal opposition.

Reference

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