

Department of Early Learning Negotiated Rule Making Team Meeting Notes
January 31, 2009, Renton, Washington

The following agenda guided our discussion:

Overall Goal:

The purpose of this Negotiated Rule Making Team (NRMT) is to develop a set of rules and recommendations about issues that affect the health, safety, learning and quality of environment for children that is supported by parents, early care providers, health/ safety experts and interested stakeholders. The NRMT's proposed rules will then move on to the legal and legislative proceedings (and formal public comment period) before they can be formally adopted.

Today's Meeting Objectives:

1. Hear an update on the NRMT communications plan;
2. Hear an update from the Rule Writing & the Rule Review Committees;
3. Learn from two experts about **Diversity** as it affects in-home child care;
4. Discuss a plan for **Parent Involvement**;
5. Complete discussion on **Programs** (West Side Story), except for the Diversity subtopic;
6. If time permits, hear recommendations about **Outdoor Environment** (A-Team);
7. Discuss and determine what elements should be incorporated into our work moving forward; and
8. Determine next steps.

Pre-Work Given at October 25, 2008 Meeting:

- ◆ The West Side Story (Karen Hart is Lead) will:
 - continue work on the topic of **Programs**, and incorporate suggestions from our discussion on Transportation
 - make sure to cite research on Screen Time in your final matrix.
- ◆ The A-Team (Debbie Knighten is Lead) will come prepared to begin the topic of **Outdoor Environment**:
 - incorporating some of the recommendations from Laurie Cornelius (Clark College presenter on Outdoor Play at our October NRMT meeting).
 - make sure to cite research that Laurie mentioned in your matrix
- ◆ Team C (Martha Standley is Lead) will continue working on recommendations about **Record Keeping/Reporting/ Posting**.

NOTE: A December 13, 2008, NRMT meeting was cancelled because of unsafe traveling weather. This agenda continues the presentations and discussion planned for the December meeting.

<i>Time</i>	<i>Topic</i>
9:00	Welcome, Agenda Review, Check in
9:20	Updates: <ul style="list-style-type: none">○ Communication Plan, Outreach○ Rule Writing○ Rule Review Committee○ Changes at DEL

9:40	Diversity Panel – re: Program Topic
11:20	Plan for Parent Involvement
11:50	Break for Lunch
12:20	Wrap up our discussion of Programs (West Side Story)
1:40	If time permits, begin recommendations about Outdoor Environment (A-Team)
2:15	Next Meeting Agenda, Assignments, Project Schedule Adjustments.
2:30	Adjourn

Voting Members Present:

Nancy Gerber – SEIU/Provider	Jean Orton-Elders – DEL Staff
Sherry Schleufer – SEIU Staff	Katherine Yasi – SEIU/Provider
Cynthia Hensch – DEL Staff	Debbie Knighten – SEIU/Provider
Lola Kling – SEIU/Provider	Sue Paskiewitz – SEIU/Provider
Laura Giddings – Resource & Referral	Lydia DeLeon – DEL Staff
Judy Bunkelman – DEL Staff	Mary Ruch-Brown – DEL Staff
Stu Jacobson – Parents for Safe Childcare	Karen Hart – SEIU Staff
Angela Taylor – SEIU/Provider	Cassandra Clemans – Care for Providers
Sandra Van Doren – EWFCCA	Martha Standley – DEL Staff
Judy Jaramillo – DEL Staff	Laura Dallison – DEL Staff
Donna Horne – WSFCCA	

Public, Guests, Non-Voting Members & Others

Gail McDonald – Child Care Provider	Dr. Deborah Sullivan – Guest Speaker
Shannon Ginn – School’s Out Washington	Sue Winn – WSFCCA Alternate
Larry Horne, DEL Assistant Director	Deanna Houck – Seattle-King Co. Public Health
Andy Fernando, DEL NRMT Coordinator	Kathleen Hardee – Care for Providers Alternate
Debbie Rough-Mack - Facilitator	

Welcome, Check in

The group welcomed guests, including child care provider Gail McDonald, Deanna Houck from Seattle-King County Public Health, and Shannon Ginn from School’s Out Washington (SOWA). DEL is considering working with SOWA on revising the DEL School-Age Child Care regulations using a process similar to the NRMT.

Donna Horne announced that she is starting as the director of Skagit County Resource & Referral on February 2, and she will no longer be providing child care or serving as the NRMT voting member from the Washington State Family Child Care Association. Sue Winn will now be WSFCCA voting member on NRMT. Donna has asked to be a NRMT representative from the Child Care Resource & Referral Network, which has one vacancy on the group.

We were all very happy to have our Eastern Washington DEL team members with us in person instead of by teleconference from Yakima. Andy Fernando noted that our meetings will still be videotaped by the Puget Sound ESD and available to the public on DVD, but we don't plan to continue video conferencing.

Upcoming Meetings/ Project Schedule Adjustments

Since our December meeting was canceled due to the weather, we talked about options for a make-up session and additional meeting dates to help the group stay on schedule. The group listed alternatives, and decided on the following additional meeting dates based upon the greatest number who could attend. All meetings are planned for the Puget Sound Educational Service District building in Renton. Please note the upcoming meeting dates and changes:

- *Saturday, March 7 – this date was confirmed last fall*
- *Saturday, March 28 – 16 can make it, so it will be added as a regular meeting date*
- *Saturday, April 11 - this date was confirmed last fall*
- *Saturday, May 2 – 19 members can make this date, so we will hold it in case we need it*
- *Saturday, May 16 – this date was confirmed last fall*
- There was a possible schedule conflict with the June 13 date, so instead we will tentatively meet on *Saturday, June 20*

The NRMT would like to discuss the topic of Corrective and Adverse Actions earlier rather than later in the project schedule, so that we are not ending on that topic.

Updates

From the NRMT Steering Committee – Karen, on behalf of Karen, Larry, Andy, Judy, and Debbie

- We reviewed our progress and process – wow! Good work, everyone!
- We want to be sure that when we talk about the NRMT, we are careful to provide context and show representation of the NRMT participation (e.g. a representative of SEIU presenting with a representative of DEL);
- Andy is reformatting our NRMT materials, so they can be used for presentations. He will send them out by email within the week (delayed to Feb.10);
- We want to document the history of the process and share lessons learned so that this process might be used in the future.

About the Communications / Outreach Efforts

- NRMT documents are being reformatted for consistency and for sharing with interested parties (see above).

- There is a WSFCA conference on April 24-26 at the SeaTac Marriott. Sue Winn will be making a presentation about the NRMT process at a breakout session on Friday night (April 24), from 7 to 9 pm.
- Nancy Gerber will be giving a presentation at the EWFCA on March 7 in Spokane.
- Other members mentioned events on February 21 in Snohomish and March 14 in Port Angeles, if anyone from the NRMT is interested in being a spokesperson for the NRMT at those events.

About the Interim Director at DEL

- Larry Horne reported that Karen Tvedt has been named interim director of DEL while a recruitment process is conducted for a new, permanent director. Besides being a former family home child care provider, Karen was the director of the Governor's Early Learning Council, was a policy director at the federal Child Care Bureau, and worked for many years at DSHS Children's Administration. Karen is aware of and supports the NRMT process.

From the Rule Writers and Rule Review Committee

- NRMT Rule Writers Judy Jaramillo and Sandra Van Doren reported that they have finished draft rules of Food/Nutrition, Staff Qualifications, Licensing Process and Infant Care and have forwarded their draft rules to the Rule Review Team. The Rule Review Group have finished work on Food/Nutrition, Staff Qualifications, and are mostly done with Licensing Process and soon getting to Infant Care. The review group is identifying some areas for clarification. Andy shared that the DEL Parent Advisory Group was shown three examples of the draft rules in January, and the group liked the NRMT's proposed outline format and how clear the draft rules are compared to the current WAC.

Guest Speaker on Diversity (Program Topic)

Dr. Deborah Sullivan, of Praxis Institute for Early Childhood Education in Seattle, joined us to give us some insights on diversity and anti-bias, as it relates to the group's recommendations for in-home child care.

Dr. Sullivan spoke about the need to talk more about a variety of differences in people as a way to understand that diversity has different meaning depending on our individual backgrounds and community or family culture. She described how a person's "cultural competency" – their ability act or appear in a way that is appropriate within the person's own group – changes when the person is in a new or unknown culture. She defined "anti-bias" as actively teaching children not to be biased, to understand what is biased behavior is in ourselves, and letting children know what isn't appropriate.

Within the child care environment, Dr. Sullivan encouraged discussion on what are considered normal and acceptable behaviors to the provider and parents, but she noted the challenge of the NRMT writing rules on diversity and antibias. Requiring some diversity training may be more effective than requiring providers to have certain diversity materials or number materials in the child care home. As the country becomes increasing multicultural, she said it makes sense to help young children to learn how to survive and thrive by learning to understand and accept the diverse world around us.

Plan for Parent Involvement

Andy presented a plan to collect input on portions of draft rules from parents and other stakeholders (The draft plan is attached). The group raised some concerns about:

- How many draft rules should be shared?
- Should they be cross-walked with the old rules (that might suggest that we are operating from the old rules, but we aren't)?
- Will we create more concern by showing pieces in “waves,” rather than waiting until all the draft rules are done? (General consensus seemed to be that we share pieces along the way)
- We want to be clear that input is being **collected**, but not immediately answered or addressed through this process
- Language can be helpful – e.g., describe the rules as “preliminary” or “pilot”

We looked back on our *Expected Process Flow* to clarify about intentions:

1. Our purpose is to collect your (public) feedback on proposed rules
2. Let the public know what we will do with their input (e.g., “Your input will be read, categorized, and our rule writers will see what changes need to be made and/or what issues need to be brought back to the NRMT for further discussion”).
3. Always remind the public that the rules are still in drafting process and there will be additional opportunities to see the rules again in draft and formal proposed WAC.

Program; Presenters: Sue Winn and Judy Jaramillo

What follows are the highlights and decisions reflecting “agreements in concept” resulting from the discussion. For more complete information refer to the matrices and handouts from the meeting.

Subtopic: Transportation

There was agreement in concept about having parents sign off (getting written acknowledgement) of a provider’s status regarding auto insurance coverage of children who are passengers while the provider is transporting the kids. There was some discussion as to how this documentation would occur – i.e., be part of the field trip form, be posted, be part of the Parent Handbook.

Vote 18 in favor; 0 undecided; 0 opposed.

Subtopic: Special Programs – Overnight Care

◆ General Requirements

See matrix for details. [Editor’s note: Notes on this section will be updated following the March 7, 2009 NRMT meeting.]

Vote 21 in favor; 0 undecided; 0 opposed.

Note for the Guidebook: recommend including in Parent Handbook something like “In the event of an emergency – e.g., being snowbound, a parent in childbirth – the following provisions will be made...”

Subtopic: Special Programs – Overnight Care

- ◆ ***Beds & Bedding***
- ◆ ***Documentation of Hours***
- ◆ ***Locking Doors during Night Time***

There was (almost) agreement in concept, with some concerns around:

Defining “night time” and “overnight care” – after midnight?

When the deadbolt can be used (before provider goes to sleep?)

Deadbolt safety issue in the night (intruders) seemed to outweigh concerns safety issues about exiting the home

Vote 20 in favor; 1 undecided; 1 opposed

Noted concerns:

- Don’t want it to look like deadbolt MUST be used
- Inconsistency regarding safety of when and if deadbolts should used

Outdoor Environment – A Team; Presenter: Debbie Knighten

Subtopic: (Outdoor) Size/ Space

The group recommended the following: “...75 square feet per child, or, if 75 square feet is not available, provide an alternate plan on how you (the licensee) will meet this requirement (for example, having children play outside in groups). Also, look at the child care center rules for sample wording.” Most of what is now in WAC 170-296-2130(2) through (7) on outdoor play areas should go into the Guidebook; except subsection (5) on supervision – see Enclosure/Fencing below.

Vote 21 in favor; 1 undecided; 0 opposed

Noted concern:

- Having no yard or outdoor space attached to the home may limit a provider’s options (many newer homes don’t have very much yard space).

Guidebook Item: What is now in WAC 170-296-2130(2) through (7) on outdoor play areas should go into the Guidebook.

Subtopic: Enclosure/ Fencing

Agreement in concept was reached, with discussion focusing on:

- Be clear that licensed play areas must be enclosed.
- Guidebook should recommend 4 ft enclosure, but 3 ½ ft. minimum is acceptable in rule.
- Could an unlicensed backyard area be regularly accessed via calling it a “field trip” thereby creating regular safety concerns?

The group recommended the following: “Routinely used licensed outside play areas must have a securely enclosed space with a barrier of minimum height of three and one-half (3½) feet, and if

fenced, space between the slats or openings of no more than 3.5 inches. If local building codes or covenants restrict fence heights, then a safety plan, approved by DEL, will be needed.”

Vote 21 in favor, 0 undecided, 0 opposed

DEL would develop a *safety plan* format.

Guidebook Item:

- *The provider must have a written policy around direct visual and audio supervision at all times when using that area. (in this instance, “Direct” means the provider or staff are **physically** in the area with the children.) Possibly post the policy conspicuously in the child care area so that parents know that children cannot play there (the enclosed area) without direct supervision.*

Note: If the A Team wants the NRMT to consider the recommendations about discouraging fence climbing or platforms above 18 inches, they will need to bring it back to the group next time (March 7).

Next Steps, Action Items

- ◆ By February 7 [moved to February 10 due to illness], Andy will send out via email, the reformatted packet of relevant NRMT materials for those making presentations or sharing progress of NRMT with stakeholders.
- ◆ **Next meeting will be March 7, 2009** in Renton. Agenda items will likely include:
 - Finish recommendations on **Program**, notably Diversity related subtopics (West Side Story);
 - Continue with recommendations on **Outdoor Environment** (A Team);
 - Updates on Communication Plan, Rule Writing & Review, Public Outreach, and our Meeting Schedule;
 - Time permitting, begin recommendations “Posting” sub-topic in **Record Keeping, Reporting & Posting** (Team C).

Pre-Work for the Small Groups:

- ◆ The West Side Story (Karen Hart is Lead) will:
 - Continue work on the topic of **Program**, with recommendations about Diversity
 - Make sure to cite Dr. Deborah Sullivan’s Diversity presentation as a research resource in your matrix
 - Continue work on **Supervision, Ratio & Capacity** topic
- ◆ The A-Team (Debbie Knighten is Lead) will continue working on recommendations about **Outdoor Environment:**
 - Make sure to cite research (Laurie Cornelius and others) in your matrix
 - If the A Team wants the NRMT to consider the recommendations about discouraging fence climbing or platforms above 18 inches, they will need to bring it back to the group next time

- Continue work on ***Indoor Environments*** topic

- ◆ Team C (Martha Standley is Lead) will come prepared to begin the subtopics of ***Recordkeeping, Reporting & Posting*** if time permits.
 - Continue work on ***Recordkeeping*** subtopic
 - Begin work on ***Nurture & Guidance*** and ***Emergency Preparedness*** topics

Attachment A: Draft Parent Involvement Plan

Draft for discussion purposes only – presented at 01-31-09 NRMT meeting

Negotiated Rule Making
Plan for Parent/Public Input on
Draft Family Home Child Care WAC
December 2008

The *Negotiated Rule Making Team* is charged with adopting recommendations to DEL for a complete revision of the Family Home Child Care licensing rules in WAC 170-296. The 30 members member team comprised of child care providers, advocates, and staff from the Child Care Resource & Referral Network, the Service Employees International Union and DEL have devoted 24 months to this effort so far. The NRMT expects to wrap up its recommendations to DEL by mid-2009.

From its beginning, the NRMT has sought consistent participation by the public, especially individual parents who currently have or recently had children in family home child care, with spotty success. DEL recently hired a full-time *Parent Involvement Coordinator*, Bambi Sotak, who works with several DEL programs. Part of her job includes helping the NRMT reach out to parents with kids in child care.

NRMT Rule Progress

Currently, the NRMT is completing preliminary draft rules for the following four of the thirteen major topic areas of the WAC:

- Food & Nutrition
- Staff Qualifications
- Infant Care
- Licensing Process

These four parts will be ready for preliminary public input shortly. Another three topics are moving to review by the full Team, while six others will be done in the first half of 2009.

Outreach Plan

1. Preliminary draft family home WAC will be circulated in four “waves.” The first wave will be the four topics completed, followed by two other groups of topics. The last wave will be the entire draft WAC chapter.
2. The NRMT Coordinator, with help from DEL Communications as needed, will “package” the draft rules in a manner that compares the draft sections with the current WAC content, and briefly explain how the NRMT arrived at the draft wording. The draft rules will be posted to the DEL Rules Comment website at <https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx> .
3. The DEL Parent Involvement Coordinator and NRMT Coordinator will create outreach tools to direct parents and others to the draft rules. These may be brief:
 - ◆ Announcements placed throughout the DEL website.
 - ◆ Postcard size handouts letting parents know where to get the draft rules
 - ◆ Posters for placement at Family Child Care Homes, R&R offices, and other locations where parents are likely to find them (Pediatricians, health clinics?).

Draft for discussion purposes only – presented at 01-31-09 NRMT meeting

4. The Parent Involvement Coordinator will help identify groups to receive or distribute materials or outreach tools targeting parents. These may include: Family Child Care associations, SEIU, individual family home providers, DEL licensors, Community parent “clubs,” DEL Parent Advisory Committee, Resource & Referral Network, and others.

5. DEL may hold public input forums in several areas of the state (depending on budget or travel limitations), or by video conference. DEL would work with Family Child Care associations, SEIU, R&Rs or parent “clubs” to sponsor parent/public focus groups

6. DEL may organize focus groups with parents and providers having limited English proficiency (LEP) or specific concentrations of providers of common ethnic background, culture or language. We would need help from licensors and SEIU to identify where these forums would be most effective, and who will present information.

7. Challenges:

- Keeping the online and handout materials easy to read. The current WAC chapter printed is 170+ pages. Topics and subtopics must be “*chunked*” into bite size pieces. Explanatory materials must be short – keep the focus on the draft rules and public input process.
- Making the draft rules available in hard copy for non-computer users. Printing and mailing cost may be high. Should we send out a postcard and have people ask us if they want materials in hard copy?
- How long should each “wave” be out for comment? 30 days?
- Making the rules accessible to people with limited English proficiency or with disabilities. In how many languages or formats could DEL afford to provide materials? Translation may cost \$200+ per page.
- How will current and future state budget restrictions affect certain efforts, such as translation, meeting sites and travel expenses? Is video conferencing a viable alternative.
- How will this outreach effort fit with other workloads and projects. Will other priority projects impact the scope of the outreach?

DRAFT MATERIALS

SAMPLE A – Mailout or handout of draft WACs (on letterhead)

Preliminary Draft – Part 1
Changes to Family Home Child Care Regulations
WAC chapter 170-296

The state Department of Early Learning (DEL) would like to know what you think about preliminary draft changes to licensing regulations for Family Home Child Care (child care provided in the licensed person’s home).

What are you asked to comment about?

Below is the first of three parts of draft changes to the family home child care rules. This first part covers: *Food and nutrition, Staff qualifications, Infant care* and the *Licensing process*. Part two will be out soon, and cover: *Child care program, Outdoor environment, Indoor environment, and Recordkeeping and posting..*

These draft rules are the work of a **Negotiated Rule Making Team** made up of people from around the state, including licensed Family Home Child Care providers, the Service Employees International Union, Parents for Safe Child Care, Provider advocates, the Child Care Resource & Referral Network, and DEL staff. Since 2007, this Team has been reviewing and rewriting the current family home child care regulations. To find out more about the Team, please see this website: <http://www.del.wa.gov/laws/rules/negotiated.aspx>.

How do you send or give comments?

You may send your comments or suggestions about these draft rules to on the DEL website at <https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>, by e-mail to rules@del.wa.gov, or or by postal mail to DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970. **Please send your comments by _____, 2009. You have another chance to comment later on.**

Your input will help the Negotiated Rule Making Team make its final recommendations to DEL about changing these rules. Then, later in 2009 DEL will prepare a formal rule proposal and take more public comments in writing and at public hearings before adopting permanent changes to the family home child care regulations. Thank you.

DEL Negotiated Rule Making Team (NRMT) recommended requirement:	What the current WAC 170-296 says:
Food & Nutrition	WAC 170-296-____
NRMT Intent:	(none)
	170-296-____

DRAFT MATERIALS

SAMPLE B: Brief postcard-size announcement for handout by licensees, licensors, SEIU, R&Rs, pediatrician's offices, etc, or to mail out:

Washington Department of Early Learning (DEL) and
Service Employees International Union [*or WSFCCA, etc*]

Would like to hear what you think about
Draft changes to Family Home Child Care
licensing regulations in WAC 170-296.
Here's how:

[see note below] Come to a public meeting on:
_____ (Date) _____

_____ (Location) _____

Or

Visit the DEL website at
<https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>
to read the draft regulations and leave your comments. Please give us your
comments by _____, 2009

NOTE: If a postcard is used only to let people know how to get the rules, we would include the
Rules@del.wa.gov e-mail and DEL postal address for