

Department of Early Learning NRMT Meeting Notes  
August 9, 2008, Kent, 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 updates on Protocols and Rule Writing
2. Complete discussion on **Licensing Process (Team C)**;
3. Review the NRMT (big picture) timeline, and discuss if we want to make adjustments;
4. Hear and discuss recommendations about **Infant Care (A Team)**;
5. Discuss and determine what elements should be incorporated into our work moving forward; and
6. Determine next steps.

**Pre-Work Given at June 21, 2008 Meeting:**

- ◆ The Team C (Martha Standley is Lead) will incorporate the expert recommendations relevant to **Licensing Process** topics, which we will finish up next time, working specifically on:
  - Topics we haven't gotten to yet;
  - Recommendations for a Renewal process and rule; and
  - Exemptions from Licensing.
- ◆ The A-Team (Laura Dallison is Lead) will incorporate the expert recommendations relevant to **Infant Care.**, which they will present next. After that, they will begin work on the topic of **Environment**.
- ◆ The West Side Story (Karen Hart is Lead) will continue work on the topic of **Programs**.

<b>Time</b>	<b>Topic</b>
<b>9:00</b>	Welcome, Agenda Review, Check in
<b>9:30</b>	Updates <ul style="list-style-type: none"><li>◆ NRMT Communications Plan (added item)</li><li>◆ NRMT Roster, Protocols</li><li>◆ Rule Writing</li></ul>
<b>9:50</b>	Recommendations about <b>Licensing Process</b> (Team C)
<b>11:15</b>	NRMT Project Timeline
<b>11:45</b>	Break for Lunch
<b>12:15</b>	Recommendations about <b>Infant Care</b> (A Team)

<b>2:00</b>	Break
<b>2:10</b>	Resume <i>Infant Care</i>
<b>3:15</b>	Next Meeting Agenda, Assignments, Project Schedule Adjustments.
<b>3:30</b>	Adjourn

**Voting Members Present:**

Donna Horne, WSFCCA  
Judy Jaramillo, DEL  
Sandra Van Doren, EWFCCA-SEIU  
Mary Ruch-Brown, DEL  
Sue Paskiewitz, SEIU-Provider  
Cassandra Clemans, (CARE) Provider Advocate  
Nancy Gerber, SEIU-Provider  
Lisa Beaulaurier, SEIU  
Martha Standley, DEL  
Sylvia Mierau, SEIU-Provider  
Stu Jacobson, WA Parents for Safe Child Care

Katherine Yasi, SEIU-Provider  
Laura Dallison, DEL  
Judy Bunkelman, DEL  
Blanca Smith, DEL  
Dionne Milan, DEL  
Laura Giddings, WA State Child Care Resource and Referral Network  
Lola Kling, SEIU-Provider  
Angela Taylor, SEIU-Provider  
Debbie Knighten, SEIU-Provider  
Karen Hart, SEIU  
Sherry Schleufer, SEIU

**Alternates**

Kathleen Hardee, Provider Advocate

Sue Winn, WSFCCA

**Public and Others**

Kathy Ray, provider  
Bob McLellan, DEL NW Area Svc. Mngr.  
Debbie Rough-Mack, Facilitator

Larry Horne, DEL Assistant Director  
Andy Fernando, DEL NRMT Coordinator

***Welcome, Check in***

The small groups met for several hours on Friday, August 8, and all groups reported that the overnigher meeting format (small groups meeting Friday afternoon or evening; large group meeting on Saturday) was very productive, especially for those small groups who have been meeting by conference call or have been unable to meet in person. The large group decided to repeat that format in the future, to be determined on a case-by-case basis. There was also a general discussion about and appreciation of the NRMT progress, particularly with regard to:

- ◆ The thoroughness of the matrices as products that inform the writing of draft rules,
- ◆ The NRMT process itself as a model for DEL and other state agencies;
- ◆ The collaborative relationships built among NRMT members; and
- ◆ The focus by all on the best interest of children.

The group discussed ways to more effectively communicate the NRM process and our progress to stakeholders, decision makers and others. DEL Assistant Director Larry Horne reported that he is organizing a small group to develop a NRMT communications plan. He, Andy and Judy will develop a draft work plan by August 20, and then get feedback and input from SEIU. Anyone interested in helping with ideas or task, please contact Andy Fernando. At our September 20, 2008, meeting we will hear about that plan and devote a short segment to communications planning.

### ***NRMT Protocol Update***

NRMT Coordinator Andy Fernando shared the latest version of the NRMT Protocols (attached to these meeting notes as revised and adopted). They were reviewed by DEL legal counsel in response to an NRMT member's concern that the protocols as revised and adopted in March 2008 might interfere with members' first amendment rights (free speech). Four revisions suggested by an NRMT member were discussed. The group voted to adopt this latest version as drafted and presented, without further suggested changes, and that their previous signatures indicating agreement would suffice for this newest version (*see the notation at the top of page 16 of these meeting notes*)

***Vote 21 in favor, 0 undecided, 0 opposed***

### ***Rule Writing Update***

NRMT Rule Writers Judy Jaramillo and Sandra Van Doren indicated that they were continuing to make good progress drafting the rules, having completed the first draft of the Food and the Staff Qualifications sections, and are ready to start the Licensing Process as soon as the full team completes its recommendations. As they are writing the rules they are reviewing the meeting notes to make sure they understand the context of the team's recommendations. They are also keeping track of guidebook recommendations that correspond with the recommended WACs.

### ***NRMT Project Timeline***

We looked at the high level project timeline and considered schedule adjustments. For the immediate future, the group voted for the following changes:

- ◆ For the September meeting in Yakima, we will repeat the overnigher format. That is, the small groups will meet Friday night, September 19 (each group will determine their own meeting times), and the large group will meet September 20. This is a tentative plan for now as there are budget and space considerations, as well as the timing of a guest presenter on issues related to the topic of Outdoor Environment. Andy will confirm whether this will work or not.
- ◆ The meeting originally scheduled for November 1 will be rescheduled to October 25. Location or locations (video conferencing at multiple sites is a possibility) to be determined.

## ***Licensing Process – Presented by the Southwest Wash. Team C***

**NOTE:** Throughout the NRMT's recommendation, where the group has voted to keep the requirement of the current rule in WAC chapter 170-296, the new draft rules likely will not quote the current language. The wording of the draft rules would change because the NRMT has adopted an "outline" WAC writing style instead of the "question-and-answer" format used in the current WAC 170-296, and the draft rules will use more "plain-talk" wording.

What follows are the highlights and decisions reflecting "agreements in concept" resulting from the discussion. For more complete information refer to the handouts from the meeting by contacting the NRMT Coordinator at rules@del.wa.gov.

### **Subtopic: Renewal Process, Presenter: Martha Standley**

In general, the group's broad recommendations for this section were to promote changes in the process or direction of the renewal toward an annual license review for a full license only. This would include an application format that would have a list of assurances for requirements that do not need to be verified by a DEL licenser. The assurance would be a legal document would be the basis for licensing action should the statement be found to be untrue.

It is hoped that these recommendations will allow a licenser's visit to focus on changes to the child care operation and requirements that must be verified first-hand for the business to continue, and also include a way for a dialogue between the licenser and the provider on the child care environment, interactions with children, and the provider's need for technical assistance. DEL forms and/or online input screens need to include room for the licenser to note things the licensee is doing well.

***Vote 22 in favor, 0 undecided, 0 opposed***

#### **◆ *Application for Renewal***

The recommendation was, as in the current WAC 170-296-0260, to leave full license renewal at three years as required by law. However, this process would be more extensive than an annual review, but less extensive than the initial licensing application. For example, in a renewal application, the licensee would not need to resubmit a resume and references, among other items.

***Vote 22 in favor, 0 undecided, 0 opposed***

#### **◆ *Renewal Application Sent 120 days prior***

The recommendation leaving current requirement in WAC 170-296-0260 that states the Department will send the renewal application 120 days prior to expiration of the license

***Vote 22 in favor, 0 undecided, 0 opposed***

Concern was expressed about assuring that renewal application packets be sent in time for the provider to return them 90 days before the license expires, and about whether a provider that was in the middle of a license revocation action would be able to submit a renewal application (particularly if the revocation was later overturned).

◆ **Renewal Application Form**

The Team C presented a list of recommending what they thought should be included in the renewal application. The envisioned process may include a computer generated checklist for the provider to verify information on-file at DEL, to submit information that must be current (for example, background check applications on new staff, or updated policies), and for the provider to note changes in the child care operation or licensed space. These may include, but would not be limited to:

**RENEWAL APPLICATION FORM ELEMENTS OR ATTACHMENTS**

- Name address, telephone number, e-mail address and directions to reach the home.
- Questions about the licensee ever been deprived of custody, questions on child abuse, illegal drug use, convictions, etc., and also leave the non-discrimination statement
- Request the current floor plan, including areas the provider wants to add or remove from the licensed space in the home.
- All persons residing in the home with birthdates and relationship to the applicant. Add separated spouse/partner to persons (potentially) living in the household.
- Verify background checks for staff, household members; include background check forms for any new staff, household members or teens who turn age 16.
- Fire extinguisher check
- List of WAC references regarding must be reported to the licensor
- Receipt of current RCW's and WAC and agreement to comply
- Description of environmental changes...Have there been recent changes, or do you have changed in mind in the child care environment, program, staff or equipment
- Current First Aid/CPR card with Blood borne pathogens training
- TB tests documentation for new staff, household members or teens who turn 16
- Verification of liability insurance or written statement in parent policies that provider has chosen not to carry liability insurance.
- Submit verification of water test and or septic test if on a private system per what our water and septic WAC will require
- Resumes of new staff and volunteers
- Revised parent policies (if there are any changes from the last on submitted).

The group approved these recommendations.

***Vote 19 in favor, 3 undecided, 0 opposed***

Some team members cited concerns related to background checks, especially background checks of minors. A note was made to address that in the Background Checks section.

◆ **Subtopic: Exemptions from Licensing, Presenter: Angela Taylor**

Team C and the large group struggled with how to clarify current confusion about what type of child care (preschool, friend and neighbor child care, etc.) requires licensing. Team C put considerable thought into specific situations and related definitions for child care situations that would be exempt from licensing. After much discussion, the group decided to attempt to address the confusion by defining what *does* need to be licensed (perhaps using a decision tree and this matrix to identify circumstances), instead of what types of child care that do not need to be licensed. If that proves ineffective, we will revisit this matrix.

***Vote 20 in favor, 1 undecided, 0 opposed***

A member was concerned that exempt forms of child care in family home needs to be clarified, as this issue comes up a lot.

***This completed the group's work on the Licensing Process. The Rule Writing team will begin drafting rules on the Licensing Process.***

***Infant Care – Presented by the Eastern Washington - A Team***

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

**Presenter - Debbie Knighten, Subtopics:**

◆ ***Infant Safety***

The recommendation was to keep the current requirement as in WAC 170-296-0720(3), “Have gates or other physical barriers, that prevent infants and toddlers from accessing stairways.”

***Vote 20 in favor, 0 undecided, 0 opposed (one member was out of the room)***

◆ ***Cribs and Other Sleeping Equipment***

The group recommended keeping the requirements as in current WAC 170-296-1050 with changes in subsections 1 and 3 below:

1. A crib (or similar sleeping equipment) will be provided for each infant. Children that climb out of their crib or ‘container’ [*an alternative word other than ‘container’ would be used*] will be transitioned to a lower sleeping surface, such as a cot, mattress, or mat.

2. Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants less than six months of age.

3. Cribs, toddler beds, and playpens must:  
(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily cleaned and sanitized, without tears or tape; and  
(b) Be made of wood, metal, or approved plastic with secure latching devices.  
(c) Sleeping equipment must not be subject to tipping

4. Each crib or bed must be arranged to allow staff access to children

5. Children must not sleep in car seats, swings or other similar equipment.

***Vote 21 in favor, 0 undecided, 0 opposed***

◆ ***Feeding***

A. **Milk and Formula**. The group recommended keeping the requirements in current WAC 170-296-0940(1) and (2), and add a new subsection 3 below:

The type of milk served to children is determined by the child's age.

1. Serve only breast milk or formula to the child zero to twelve months of age;
2. Serve whole pasteurized milk or breast milk to children twelve to twenty-four months of age
3. Milk and formula must not be heated in plastic. Milk and formula may be **warmed** in plastic. [Note: language defining the difference between “heating” and “warming” may be needed.]

B. **Feeding Infants**. The group recommend keeping the requirements in current WAC 170-296-0960, with changes to subsections 1 and 2 as follows:

1. All formulas and breast milk must be in a clean and sanitized bottles with nipples. [Note: The rule should allow for other methods of identifying bottles other than labeling. Identification is only needed when more than one child in care is using a bottle].
2. Once a bottle has been out of the refrigerator for one hour, it must be made inaccessible to children until disposed of. The provider must have a method of tracking when each bottle or container was removed from the refrigerator, or when it was prepared.
3. You must keep bottle nipples covered when not in use
4. If you reuse bottles and nipples, you must wash and sanitize them.
5. You must hold infants while feeding
6. Infants who are nine months of age or over, who want to hold their own bottles may be placed in a highchair if you or a primary staff person remain in the room, within eyesight
7. You must take bottles from the child when the child finishes feeding, or when the bottle is empty.
8. You must not prop a bottle when feeding an infant
9. You must not give a bottle or tippy cup to a child who is lying down.
10. You must not use a microwave oven to warm formula or breast milk in a bottle used for feeding.”

C. Also, a **Solid Foods** section needs to be added.

***Vote 21 in favor, 0 undecided, 0 opposed***

◆ ***Sleeping***

A. The group recommended using requirements in current WAC 170-296-1060 with changes to current subsections 3 and 7, and deleting subsection 6 (because smoking is already prohibited in the child care space during operating hours.) The group also recommended that there be a required pre-service training on Sudden Infant Death Syndrome (SIDS) for providers. The following was adopted:

You must follow the recommendations of the American Academy of Pediatrics (AAP) for putting infants down to sleep.

1. You must put infants to sleep on their backs to reduce the risk of SIDS unless you have a written note in the infant's file from both the parent and the infant's health care provider requesting another sleeping position;

2. Once infants are able to turn over, continue to place them on their back to sleep. If the infant has turned over while sleeping you do not need to return the infant to his or her back;

3. Place the infant inside the crib, playpen, or 'container' [see previous note] on a firm mattress with a tight fitting sheet;

4. You must not use soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the crib;

5. You must make sure that the infant's head and face remain uncovered during sleep

6. (Deleted.)

7. Take steps to be sure that infants do not get too warm during sleep.

B. The group recommended keeping the requirement in current WAC 170-296-1360(6)(a) with these changes:

“Infants must be in the main licensed area or adjacent area, not behind closed doors, and subject to continual checks.” The group agreed that the term “continual checks” should be defined.

***Vote 20 in favor, 0 undecided, 0 opposed***

◆ ***Diaper Checks and Changing***

The group recommended to keep most of the requirements from current WAC 170-296-1090, to add a new subsection between what is now (1) and (2), and to recommend revised language in other subsections, as follows:

1. Diapers must be checked at least every two hours and changed when necessary, or whenever the child indicates discomfort.

2. (New ) You must separate diaper changing areas from areas where food is stored, prepared or served.

3. There must be a sink for hand washing close to the diaper changing area with running hot and cold water. This sink must not be used for food preparation and clean up.

4. You must have a sturdy, easily cleanable mat or disposable covering. If you use a mat it must be large enough to prevent the surface underneath from becoming contaminated with bodily fluids.

5. You or your staff must wash hands after diapering each child.

6. For cleaning children, you must:

(a) Use either disposable towels or clean cloth towels that have been washed and sanitized between each use; and (b) Assist a child in hand washing, after changing the diaper.

7. You and your staff must place the diaper, without rinsing, directly into a waste container (used only for soiled diapers) that has a tight cover, is lined with a disposable plastic trash bag, and is within arm's reach of the diaper changing area.

8. You and your staff must use:

(a) Disposable diapers; (b) A commercial diaper service; (c) Reusable diapers supplied by the child's family; or (d) Washable barrier between cloth diaper and clothes.

9. You and your staff must clean and sanitize (one tablespoon chlorine bleach per quart of cool water, or other approved sanitizing agent) diaper changing areas between each use or you must use a nonabsorbent, disposable covering that you discard after each use.

***Vote 21 in favor, 0 undecided, 0 opposed***

Work on the **Infant Care** topic will be continued at the September 20 NRMT meeting.

### ***Next Steps, Action Items***

- ◆ The group voted that the next meeting will be an overnighter in Yakima on September 19 and 20, but that we will wait to hear from Andy for confirmation. If approved, small groups will arrange their own Friday meeting times and the large group will meet on Saturday. Andy will be sending out location details and lodging suggestions. It is likely that the Saturday meeting will be recorded.
- ◆ Debbie Knighten will coordinate with Andy to arrange for an “expert” presenter, a specialist on the topic of Outdoor Environment for the September meeting, hopefully for Friday night.
- ◆ Larry and Andy will be prepared to share a draft communications plan at the September meeting.

### ***Pre-Work for the Small Groups:***

- ◆ The A-Team (Debbie Knighten is Lead) will continue working on recommendations about ***Infant Care***, which we will finish up next time, focusing specifically on:
  - Incorporating the group’s input from this meeting
  - Topics we haven’t gotten to yet; and
  - Transitioning to Solid Foods.

The A-Team will also continue work on the topic of **Environments** for presentation later this fall.

- ◆ The West Side Story (Karen Hart is Lead) will continue work on the topic of **Programs**. We expect them to begin presenting at the September meeting.
- ◆ Team C (Martha Standley is Lead) will continue their work on the topic of **Record Keeping/Reporting**.

Special thanks to the whole NRMT, who devoted two days of their weekend to our efforts, and it showed! We made considerable progress due to your continued commitment and active engagement.

See the following pages 11 through 16 for the revised Protocol adopted at the August 9, 2008 Negotiated Rule Making Team meeting. The group decided that members and alternates who signed the Protocol as adopted in March 2008 do not need to provide a new signature accepting the revised Protocol

# **PROTOCOLS**

## **Negotiated Rule Making Stakeholder Expectations and Agreements**

*(Adopted August 9, 2008; supercedes previous versions)*

### **1. Introduction**

The purpose of the 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. Guidelines and protocols were developed by the whole team with input from two community meetings. In order to work respectfully together to accomplish our rule making task we agree to the following:

### **2. Participation**

Voting Interest groups who will participate are:

<b>Interest Groups</b>	<b>Maximum Members</b>
Service Employees International Union, (SEIU 925)	up to 11
Department of Early Learning ( DEL)	up to 11
Child Care Resource & Referral (CCR & R)	up to 2
Provider Advocates	up to 1
Washington State Family Child Care Associations (WSFCCA)	up to 2
Parents for Safe Child Care	up to 1
Other Family Child Care Providers*	up to 4
Parents currently with children in family child care	up to 5

\*This group is intended to ensure that the Negotiated Rule Making Team includes cultural/geographic/linguistic diversity, and to provide an opportunity for providers who aren't closely connected with SEIU to be involved.

#### **Increasing Parent Involvement**

NRMT will actively solicit additional input from parents and parent groups in a variety of ways, notably through subgroups, invitations to stakeholder input meetings, the Governor's Parent Advisory Group, and in any other way determined to be effective.

#### **Public Participation**

Meetings will be open to all (public) and we will hear their comments but the voice in decision making will be limited to the voting interest groups.

#### **Invitations to Experts**

Expert resources will be when expertise is needed. Seasonal contractors, private sector businesses, school teachers, WAEYC, health and safety experts, fire marshals, and other experts will be invited to inform our decision making. The team will decide when expert information is required.

#### **Content Experts and Subject Matter Specialists**

The DEL NRMT Coordinator will coordinate invitations to experts and specialists. Arrangements for expertise at meetings and data will be shared at the meeting designated to that topic's discussion.

### **3. Communication and Information**

If any of the expectations outlined in this document become a problem, they should be addressed at the interest group level and team level first. If not resolved, they should be placed on the agenda for the whole group to address. All NRMT members agree to be truthful and respectful in their interactions and communications. We will focus on the issue, not the person, in order to stay focused on our goals. We are committed to hearing different points of view and finding common ground through this process.

#### **Role of DEL**

DEL will provide a central point of contact and administrative support to the NRMT.

#### **Sharing Information**

DEL will provide the note-taker at meetings. Meeting notes will be delivered by the DEL website, email or if requested, by US mail. These notes will include the topics to be discussed at the next scheduled meeting. DEL will attempt to have meeting notes translated for Spanish, Somali, Russian, and Vietnamese interested parties. DEL will post as much information as needed on its website so the public or other interested parties can participate in the meetings.

#### **Context in Communication**

It is important that all team members share specific context for the NRMT recommendations. The team will provide this context when sharing the recommendations that have been sent on to the rule writing team. Documents under consideration by the NRMT or a sub-team, but not yet adopted as NRMT recommendations, will be marked “draft – for discussion only.”

#### **Sharing Information with the Media**

The DEL Director and the NRMT collectively decide what and when to release official information to the media about adopted NRMT deliberations and recommendations. Information will be disseminated by the designee appointed by the Director. Each voting member or alternate should generally direct media inquiries to designated spokesperson for -for her or his interest group. Each interest group is asked to support the intent of the NRM process and to be respectful of other NRM participants.

#### **Individual Rights Not Abridged**

Nothing in this protocol prevents any NRMT member or alternate from expressing his or her opinions, and no sanction may be imposed under this protocol upon a member or alternate who is exercising a right guaranteed by law.

#### **Recording Meetings**

NRMT meetings are open to the public. DEL may record meetings, and prepare a written transcript or an electronic recording of each meeting for the record. Other individuals may record meetings if done openly and in a manner that is not disruptive to the meeting. .

#### **Workgroup Documents**

Each workgroup will submit to DEL their written documents at least one week before the next whole group meeting, so that everyone can be prepared.

### **Communication with Members Not Present at Meetings**

DEL's NRMT Project Manager (NRMT Coordinator) will serve as the group's Communications Coordinator. The Project Manager will communicate appropriate information. If we need something communicated to the whole group, we agree to send that through the Project Manager.

## **4. Organization and Conduct of Meetings**

### **Meeting Attendance**

It is expected that stakeholders on the NRMNT will attend both the large group and assigned small workgroup meetings. The expectation is that all members will attend all meetings. If any member misses more than three (3) meetings (including full NRMT and small group meetings) in a row, then the small group lead will contact the absent person to determine the situation and/or pursue action. It will be the responsibility of the lead of each interest group to ensure that participants attend meetings on regular basis. If there is an issue with attendance that has not been addressed by the lead then it will be the responsibility of the NRMT Coordinator to address this with the interest group lead and come to a resolution.

Each interest group has a point person that is contacted when a member wants to be off the team or is going to be absent. Each team will have a roster with members and alternates available. Alternates will be expected to attend meetings.

If there are unforeseen circumstances then team leaders should be notified. The Assistant Director of Quality Division of DEL, and the Early Learning Division Director of SEIU 925 have the authority to decide whether a meeting needs to be cancelled.

### **Preparation for Meetings**

Everyone should do their best. It is expected that everyone will work on meeting assignments. If they are unable to do so, they should inform a team lead member as soon as possible and not wait until the day of the meeting.

When information or data is needed by the team and it is information that is owned by DEL it will be the responsibility of a DEL team member to gather that information. This information needs to be request generated from the work of the team.

Whenever information is shared with the NRMT or workgroup the source/research must be clearly identified.

### **Following Meeting Agendas**

All NRMT meetings will have written agendas. Future meeting agendas will be set at the end of every NRMT meeting and then revised at the beginning of each meeting, when necessary. DEL will be the point of contact for meeting agendas. We agree to use our time well in order to maximize our progress. We may need to adjust the agenda timelines, where necessary. The facilitator of the meeting will do regular checks and make necessary adjustments should a conversation need to continue past the expected end time. NRMT members are expected to honor the beginning and ending times and issues on the agreed-upon agenda. By following our agendas, everyone will be given the opportunity to speak and we will make progress.

### **Frequency of Meetings**

NRMT meeting dates will be determined by the whole team, approximately six weeks apart. Small workgroup meetings will be set by each workgroup. DEL will provide lunches at every 2 out of 3 meetings. SEIU will provide lunch at 1 out of 3 meetings. Duration of the meetings will be determined by the whole team.

### **Conflicts, Distractions, and Positive Interactions Among Members**

Everyone will do their best to focus on the issues, rather than the personalities. We agree to keep focused on the goals and outcomes. Diverse points of view and discussion will lead to better outcomes. We are committed to truly listening and understanding those with different points of view. Our commitment is to find common ground. We will be truthful and respectful when interacting with each other.

Distracting side conversations hurt our progress. Be proactive; inform the group that this is not acceptable, and won't be allowed. If we need to speak with someone, we agree to step outside the room or hold these off until there is a break. A side-bar conversation may be requested but should be done through the lead of each interest group.

### **Work Group Expectations**

When smaller work groups have assignments, we agree to meet these expectations: Keep attendance and written notes of their meetings. Use identified subtopics as references. Research our topics and cite our research. Present our information in the agreed upon matrix format. Identify key topics for the large group discussion, in order to prioritize our large group time. Attend the small work group meetings at least 75% of the time. Information or data that is owned by DEL will be gathered by DEL staff on the workgroup. Requests for DEL information or data will be related to the work of the small work group.

## **5. Decision Making Guidelines**

We will aim for consensus, defined as "All parties support, or can accept the decision." If consensus cannot be reached after extensive efforts by the team, the group may decide to move ahead using a vote, capturing the minority opinion(s). We will use a visual representation of opinion, (e.g. thumbs up, down, sideways) so there is transparency of our views. We will use a neutral facilitator as much as possible.

### **Disagreement with a Decision**

We are all urged to speak up and share our concerns. As team members, it is our obligation to voice our concerns and allow for minority opinion. If you can live with the decision then be willing to accept it. If you accept the decision, then be ready to live with it. We will share our decisions and the context of those decisions with our stakeholders. We will work to think of different solutions to answer concerns, by seeking more information, evidence, or research regarding a decision.

### **Communicating our Decisions outside the NRMT**

When communicating our progress outside the team, we will be respectful of everybody on the NRMT. We will provide context for the decisions when explaining any decisions we have made. There will be other opportunities for public comment as well.

The NRMT will release sections of our decisions periodically in draft form to solicit informal comments. These drafts will be posted on the DEL website and shared with stakeholders for further distribution.

### **Members Not Following the Protocols - Sanctions**

The following sanctions apply to a breach of the protocols by a voting member or alternate, except that no member or alternate may be sanctioned for expressing an opinion or exercising a right guaranteed by law. DEL makes these sanctions applicable to DEL staff who are non-voting participants on the NRMT. If anyone or any group within the NRMT believes a voting member is not following the protocols, he/she/they will send a written communication to the “alleged offender” using the following format:

1. Describe the NRMT protocol that was breached (“This is the protocol section that I think was breached”)
2. Describe the action and its impact on you and the NRMT (“This is what I observed or experienced”)
3. Ask, “What happened from your (the alleged offender’s) perspective?” (Await a response)
4. State what you/they would like to see happen, so that the Team can move forward (Describe what you need, such as an apology, explanation to the group, acknowledgement of the impact...)
5. If resolution is not reached, inform the NRMT Coordinator, who brings the issue to the full group.
6. After the NRMT Coordinator brings the issue to the full group, and if the voting member does not change his or her behavior, any voting member may call for a two-thirds (2/3) vote of the NRMT members present at that meeting to disqualify the offender from voting for the next two meetings. If the voting member continues to disregard the protocols, a NRMT member may request a two-thirds (2/3) vote of NRMT members present at that meeting to permanently disqualify the person from participating on the Team as a voting member.

## Agreement to Negotiated Rule Making Team Protocols

As a member of the Family Child Care regulations Negotiated Rule Making Team, I have received a copy of the Negotiated Rule Making Team Protocols, revised and adopted on August, 2008. [NOTE: Team members who signed the March 2008 iteration of the Protocols do not need to re-sign the Protocol as revised on August 9, 2008] I have read and I understand these meeting and decision-making protocols and I agree to follow them in order to fully participate on the team.

\_\_\_\_\_

Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Organization (Stakeholder)

\_\_\_\_\_

Date

If you are the lead for your organization please list all your team members and alternates below.

### Members

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### Alternates

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