

Department of Early Learning Negotiated Rule Making Team Meeting
May 19, 2007, Ellensburg, Washington

The agenda below guided the 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:

- To confirm upcoming meeting logistics - dates, times and locations, lunches
- To clarify the process for how the committee's recommendations can eventually become rules;
- To begin to create a collective vision of the topical areas that we want included in our rules and recommendations;
- To consider whether all rules should have equal "weight"; and
- To determine a preferred format for how the regulations should be presented.

<i>Time</i>	<i>Topic</i>
10:00	Welcome, Check in with participants
10:30	Future meetings; Update on translation of notes
10:45	Process flow for NRNM's proposed rules
11:15	Quality Rating & Improvement System (QRIS)
11:30	Technical Advisory Committee's input
11:45	Review Boundaries – What does the RCW say?
12:15	Collective Vision, with lunch worked in: Focus Question: If we could completely (re)design the rules and recommendations for child care, what are the topical areas that should be included?
1:40	Issue of "Weighting"
2:30	Format for Regulations
3:00	Summary, Next Steps, Items for Next Meeting Agenda
3:30	Adjourn

FUTURE MEETINGS

Exact locations will be determined in the next week or so-- Judy Jaramillo (DEL) will send out confirmation. All meetings will be from 10:00 am to 3:30 pm and involve a working lunch which will be provided for NRMT members courtesy of DEL and SEIU.

June 16, 2007 – west side

August 11, 2007 – east side

September 15, 2007 – west side

October 27, 2007 – east side

December 8, 2007 – west side

Toll Free Telephone Access for Subgroups

DEL can set up toll-free conference all setups lines so that subgroups can have “phone meetings” without incurring long distance charges. To have a conference call set up, contact Judy Jaramillo at DEL.

Translation of Meeting Notes

Beginning with these meeting notes (May 2007), Spanish translation notes will be available. Contact Judy Jaramillo.

PROCESS FLOW:

How the Negotiated Rule Making Team's Recommendations can become WAC's

These steps are not necessarily all inclusive (e.g. – there may be some legally required steps along the way). This flow is intended to capture the role of the NRMT up to the point of the WAC's (hoped-for!) adoption.

- (1) **NRMT** researches, discusses & develops recommendations, focusing on the intent (rather than specific WAC language)
- (2) **WRITING COMMITTEE** (which would include representatives of NRMT plus writers who are experienced at writing WAC's, maybe contractors?) takes recommendations, considers statutory requirements and drafts rules
- (3) **REVIEW COMMITTEE** (comprised of NRMT) makes edits, ensures clarity, making special note of considerations for non-English speakers
- (4) **WRITING COMMITTEE** incorporates edits of Review Committee
- (5) **NRMT** reviews and approves proposed WAC (or makes additional edits and sends back to Writing Committee)
- (6) There are additional steps in here that are legally required but not detailed here; could potentially include a Small Business Impact Statement if applicable
- (7) **PROPOSED WAC** process begins, which includes a formal public comment period
- (8) **NRMT** reviews formal public comments and makes determination as to which public comments will be included. (DEL has final say about any WAC filed with the code reviser, though it would be unlikely and undesirable to overrule an NRMT recommendation)
- (9) **WAC is filed with Code Reviser**

Typical rule-making process:

- Filed 101 (already happened)
- Develop rules
- Small Business Impact Statement (if necessary)
- File 102
- Public Comment
- File 103

DISCUSSION:

A Question was raised about what will happen if the NRMT can't come to consensus. DEL is responsible for making any final decisions about what will go into the WAC. Some concern

about this was expressed by some SEIU members. Gary Burris explained that DEL cannot give away responsibilities but hopes this group can come to consensus – so DEL will adopt rules that are put forward by NRMT. SEIU member stated she felt like her head is on chopping block – Gary Burris explained DEL is also on the chopping block and very much wants NRM to succeed. SEIU member expressed concerns that providers feel they were not listened to in the past and are feeling a lack of trust. A different SEIU member stated that providers all have the right to go to the Governor if NRM doesn't work. She emphasized that providers need not worry – they have this recourse if new rules are viewed as unfair. Concern was expressed that the licensing checklist does not match WAC. Judy Jaramillo stated all forms, guidebook and MAP changes will come out with WAC in the future to help fix this problem.

QRIS: There was some discussion about whether licensing should match QRIS. Donna Horne thinks licensing should be based solely on health and safety. Gary Burris explained why QRIS should occur in conjunction with licensing. Nancy Gerber talked about some of the recommendations of the technical advisory committee of the Early Learning Commission. These recommendations included:

- Licensed providers should provide an environment consistent with early learning, along with health and safety
- Washington State should consider credentialing staff, not just licensing facilities
- Regulation must be respectful – teamwork emphasized, regulation just and consistent
- Parents should have detailed reports on website and more information about how to make a complaint
- Rules must be clear and researched based and should not be changed more than every three years. We should use research and data from other states. Homes and centers should have an unannounced monitoring visit at least once a year. Re-licensing must be scheduled.
- DEL should update policy manuals and train staff on consistency and the intent of the WAC. DEL should increase trainings and cross-region licensing experiences.
- Perpetual Licensing would be appropriate for some providers who may not need to go through re-licensing every three years.
- Licensors should have access to up-to-date technology – licensors are too tied up with paperwork. This would enable them to be more efficient and have better access to data.
- Not all WACs should carry the same weight. DEL should use progressive enforcement – smaller sanctions that increase with chronic issues. Technical assistance can be provided by referring providers to outside sources.

COLLECTIVE VISION of Topic Areas – see attached document

ISSUE OF WEIGHTING

- The NRMT favors weighting the WAC's.
- There should be levels of seriousness, focusing on the most important (greatest risk to the child – e.g. lack of safety, health, supervision)
 - ⇒ Highest Risk -- would entail a formal process
 - ⇒ Lower Risk – documented, less formal, but monitors “repeaters”
 - ⇒ Lowest Risk – fix it

FORMAT RECOMMENDATIONS

Topic Headings will be followed by Intent, RCW references

There will be consistency in layout

They will be written in common, everyday language

The heaviest weighted WAC's will be first (or some symbol would indicate importance)

There will be an index

Related WAC's will be cross-referenced

There will be a Rights & Responsibilities section in the Introduction

There will be clear definitions (simple words)

There will be no or very limited examples – they will be put elsewhere and referenced (e.g. “for examples, go to....”)

What's Next

- June 16 meeting: Our objective will be to emerge with a working high-level draft design of what we want included in the rules and recommendations.
- Homework: Meet (or have a phone conference – call Judy if you need a teleconference phone setup) with your small groups to “flesh out” the general categories you'd like to see included:
 - Consider the intent you'd like to see prefacing the major categories
 - Refer to the existing WAC's (What would you like to carry forward? Incorporate it into your draft design)
 - Refer to the group's Vision from our May 19 meeting (see attached document) to be sure you've included what this group identified
 - Each group will be asked to present their design and we will spend the meeting working on meshing each group's ideas.
- These notes are not intended to be all inclusive, but rather to share what the facilitator captured through group discussion and flipchart notations. Additional notes may be available. Thanks to all for your active participation – we got a lot accomplished!