

Department of Early Learning NRMT Meeting Notes
January 12, 2008, Seattle, Washington

The following agenda guided our discussion. (Due to flight schedules, the group changed the order of topic 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:

- Review our Meeting Protocols, Guiding Principles and Rule Writing Process flow;
- Hear from each of the workgroups, their proposals and recommendations;
- Hear recommendations about considerations for the category of Staff Qualifications;
- Use the Issues Matrix to document main topics of discussion for Licensing Process, Staff Qualifications, Infant Care, Program
- Discuss and determine what elements should be incorporated into our work moving forward; and
- Determine next steps.

Pre-Work Given at December 8, 2007 Meeting:

- ◆ The **A Team** (Laura Dallison is Lead) will continue to use the Issues Matrix to work on Staff Qualifications, not including the Basic Education section. Their next area of focus will be Infant Care. Specifically, they will:
 - Identify the priority topic areas that the large group should discuss
 - Discuss and prepare recommendations.
 - Cite research
- ◆ The **C & C Team** (Marge Johnson is Lead) will:
 - Cross reference the subtopics from the Food section with the expanded Subtopic list
 - Update the linear list on a regular basis
 - Develop an Issues Matrix for Licensing Process, ***which would include the subtopic of Responsibilities formerly included under Staff Qualifications***
 - Cite research
- ◆ The **West Side Story** (Karen Hart is Lead) group will, on the topic of Staff Qualifications:
 - Refine/revisit the Intent of a WAC on this topic
 - What research is available that can guide us?
 - Identify experts who could speak to the group on this topic
 - Identify questions for those experts
 - Research the legal parameters regarding limitations or restrictions about who can or cannot be licensed
 - Determine DEL's direction on the issue of Staff Qualifications

- Refer to the Issues Matrix developed by the A-Team and their cited concerns
If time permits, West Side Story will also begin studying the topic Program

<i>Time</i>	<i>Topic</i>
10:00	Welcome, Agenda Review, Check in
10:30	Review of Meeting Protocols, Guiding Principles, Rule Writing Process Flow
11:30	Work Group Meetings
11:50	Get Lunch
12:15	Presentation of Recommendations about Staff Qualifications – <i>West Side Story</i>
1:15	Presentation & Discussion about Licensing Process – <i>C & C Group</i>
2:15	Break
2:30	Staff Qualifications Matrix – <i>A-Team</i>
3:30	Action Items, Next Steps
3:40	Next Meeting Agenda, Assignments, Project Schedule Adjustments
4:00	Adjourn

Voting Members Present:

Sandi Clemans, Provider Advocate
 Angela Taylor, SEIU
 Nancy Gerber, SEIU
 Sandra Van Doren, EWFCCA
 Donna Horne, WSFCCA
 Mary Ruch-Brown, DEL
 Judy Bunkelman, DEL (Judy B.)
 Sal Alvarez, DEL
 Dionne Milan, DEL
 Margo Logan for Stu Jacobson, Parents for
 Safe Child Care
 Judy Jaramillo, DEL (Judy J.)
 Cammey Rocco, Resource and Referral
 Marge Johnson, DEL

Debbie Knighten, SEIU
 Laura Dallison, DEL
 Sylvia Mierau, SEIU
 Larry Horne, DEL
 Bob McLellan, DEL
 Lola Kling, SEIU
 Sue Paskiewitz, SEIU
 Dora Hererra, SEIU
 Martha Standley, DEL
 Mary Kay Quinlan, DEL

 Karen Hart, SEIU
 Kathy Yasi, SEIU
 Patricia Johnston, SEIU

Public: Ella Fultz – Provider; Kathleen Hardee – Provider; Sherry Schleufer – SEIU; Lisa Beau Larie – SEIU; Laura Tanzy – Provider; and Sue Winn – WSFCCA.

Facilitator: Debbie Rough-Mack

NRMT Project Manager: Andy Fernando

Welcome, Check in

We adjusted the agenda, due to flight schedules.

We welcomed Andy Fernando, new Project Manager for the Negotiated Rule Making Process. He is the Rules Coordinator for DEL, and will be the primary contact for this project. Andy held similar agency-wide rules coordinator positions with the Department of Social and Health Services and the Department of Health. He was involved on the 2004 public hearings and final adoption of the current family home child care rules by DSHS-Division of Child Care and Early Learning. After that process, Andy worked with many family home providers – including several NRMT members – on the more than 130 rule-making petitions that providers and SEIU submitted on the DSHS WACs.

Andy shared a matrix of his NRMT organizational roles throughout the process. The matrix also shows roles that Judy Jaramillo will continue doing – such as being DEL’s main rule writer, and some of Larry Horne’s communications roles with the NRMT.

Review of Rule Writing Process Flow

The NRMT decided to devote a portion of this meeting to reviewing the process aspects (Rule Writing Process, Guiding Principles, Team Protocols) of this project. This was determined in part because of Andy’s role in taking on the management of this project yet not having been present for these process decisions, and in part because aspects of the overall project’s structure and process need defining and strengthening. First, the group reviewed a document describing the “expected process flow” and general rule writing process that was created by the NRMT in a May 19, 2007 meeting. Now that we are close to drafting rules, we revisited this to clarify the specifics and identify who would be involved.

Referring to the May 19 document, it was decided that for ***Step (2) Writing Committee***, there would be two representatives from the NRMT who will write the draft rules, using the topic matrix ***as the matrix represents the discussion and recommendations of the entire NRM team***. The two members of the Writing Committee are one SEIU member and one DEL staff member:

- ◆ Judy Jaramillo, DEL rep
- ◆ Sandra Van Doren SEIU rep

For ***Step (3) Review Committee***, it was determined that there should be five or six members, to include the represented opinions of the following interest groups (in particular, those closest to rules in their actual application). Suggested were:

- ◆ Field level staff of DEL
- ◆ Providers
- ◆ Parents (possibly through the DEL Parent Advisory Group)
- ◆ Provider Advocate
- ◆ WSFCCA

It was decided that a smaller Rule Writing Review Group should convene and make recommendations about the rule review process. This group will be headed by Andy Fernando

and will include Sue Winn, Margo Logan, Angela Taylor and Marge Johnson. Their task is to discuss and make recommendations to the larger group by the next meeting about:

1. The process flow
2. Identify representational roles
3. Formalize, determine how to get and document parent input

Review of Guiding Principles

The group reviewed the Guiding Principles, attached at the end of these notes. The group affirmed the value of the document as a high level guide to our thinking as we create rules, by a vote:

- ◆ 24 in favor
- ◆ 1 opposed (Parents for Safe Child Care rep had concerns)

Review of NRM Team Protocols

The team's protocols were developed with public input before the group began content discussion. As issues have arisen some protocols have been modified, as noted. The arrival of the new project manager and the concern that some protocols have been breached prompted the group to revisit them to see how they could be strengthened to support this collaborative work. We broke into our work teams and asked the teams to identify and report back on the protocols that need to be strengthened. Here is what they identified:

- ◆ Accountability for not complying with protocols – if they are “broken,” what happens? Consider a warning at first, then a 2nd step, such as a team vote for continued participation
- ◆ Attendance expectations
- ◆ Interest groups (specific roles) – Family Child Care Association listed generically with WSFCC?
- ◆ IV. Information Used, #5 – what is shared with media – e.g. specific names should not be used
- ◆ Use of recording devices
- ◆ II. Participation, items 5 through 11 (voters are represented in small groups)
- ◆ III. Organization & Conduct of Meetings, item #7
- ◆ IV. Information Used, items 4 through 8
- ◆ V. Decision Making, items 3 through 8

It was determined that a Protocol Revision subgroup will be created to address this, by a vote of:

- ◆ 24 in favor
- ◆ 1 opposed (*Parents for Safe Child Care* rep indicated concern that process takes time)

This is how they will proceed:

1. The three work groups (West Side Story, A-Team and C&C Group) will meet and discuss what their concerns are about the protocols
2. Each work group will designate 2-3 representatives and notify Andy and Judy J. of who the representatives are
3. The representatives will convene, negotiate, and make recommendations for the larger group's consideration

4. This Protocol Revision Group will be headed by Judy Jaramillo
5. The group will present (hopefully) unified recommendations at the next meeting, for the whole group's consideration

Staff Qualifications Matrix – A-Team (Lead: Debbie Knighten)

Staff Qualifications continue to be topic that generates the most discussion and respectful disagreement.

Age

This was agreed upon at a previous meeting.

Basic Education

The DEL position on this is a GED, HS diploma or equivalent, in whatever language or culture is relevant. Discussion here reflected:

- ◆ That this would need to be an expectation set for some date in the future, and that allowances (such the length of time current providers would have to qualify) would need to be made for current, effective providers;
- ◆ Is there a way that DEL can help providers achieve that?
- ◆ What research is there about current education level of providers – difficult to get, as people don't necessarily want to provide that data

This topic will be considered by the West Side Story group, with recommendations presented at our next meeting.

Personal Qualities

See matrix for recommendations. This topic has come up previously. This group had a recommendation, but there was concern about how measurable and enforceable language like “responsible,” “mature” and “healthy” is. There was productive discussion, but no agreement, despite a vote to adopt the group's proposal:

- ◆ 8 in favor
- ◆ 10 opposed
- ◆ 5 undecided or not enough info

This topic will be considered by the West Side Story group, with new recommendations presented at our next meeting.

Orientation/ Basic Training

Pre-Service Training

On going Training and Specialized Training

First Aid and CPR

See revised wording in the matrix, about removing the (duplicated) requirement for Blood Borne Pathogens (BBP), when BBP training is already included as part of first-aid/CPR training. BBP

training would still be required for volunteers and assistants who are not required to have first-aid/CPR training. Vote:

- ◆ 23 in favor
- ◆ 1 opposed (Parents for Safe Child Care rep had concerns)

TB Tests

The NRMT recommendation in the matrix was revised to “A-team recommends the TB test be within 12 months prior to becoming initially licensed. All new assistants would also need to be tested within the 12 month period prior to exposing children in care. Positive TB test will require a current doctor’s note stating no active TB is present. TB test to be given annually if test (is) positive.” Vote:

- ◆ 19 in favor
- ◆ 1 undecided or not enough info
(Smaller number voting because several team members needed to leave early for flight schedules)

Business Responsibilities

Assistants

- ◆ Discussion included:
- ◆ Consider weighting this WAC
- ◆ Balance of allowing providers reasonable time to go to doctor vs. maintaining high quality care for kids
- ◆ Monthly amount of hours – e.g. up to 20 hours per month?
- ◆ Research?
- ◆ 20 hours unless prearranged with licensor

These topics will be considered by the West Side Story group, with new recommendations presented at our next meeting.

Smoking

Alcohol and Drug Use

It was agreed that these were important to be included but not necessarily in this section, possibly in Indoor and Outdoor Environment. These topics will be considered by the West Side Story group, with new recommendations presented at our next meeting.

Legal Status

Brief discussion around the federal government’s definition of what it means to have legal status to hold a professional license. Andy will do additional research on what a “professional license” means in federal laws or rules.

This topic will be considered by the West Side Story group, with new recommendations presented at our next meeting.

Background Checks

This should be removed from the matrix, as another set of regulations covers this and the NRMT is specifically barred from negotiating this.

Staff Qualifications Intent and Guidance Questions – West Side Story (Lead: Karen Hart)

- ◆ The group presented a recommended intent for the category: The group voted and unanimously approved the following:

“Staff Qualifications must show evidence of the ability, knowledge, and willingness to uphold the public trust in the care of our children. This section will address all who participate in the care of children in the family child care home.”

- ◆ The following questions were discussed, and amended, to guide our research and rule promulgation:
 - What are staff qualifications that show ability?
 - What are staff qualifications that show knowledge?
 - What are the staff qualifications that show understanding?
 - What are the staff qualifications that show willingness to uphold the public trust of our children?
 - How are the staff qualifications different for the variety of participants in the care of children?
 - How do we observe and measure evidence of meeting staff qualifications?
 - How do we measure evidence of character, competence and suitability?

Vote to use the above questions:

- ◆ 18 approved
- ◆ 7 undecided, or not enough info
- ◆ 0 opposed

Next Steps, Action Items

- ◆ Each work group will notify Andy by January 18th if there are additional representatives for the Rule Writing Review committee. Andy will set up the group’s meeting. We will hear the work group’s recommendations at the next meeting.
- ◆ Each work group will discuss the NRM protocols, make recommendations and designate a representative to participate in the Protocol Revision Group. Judy Jaramillo will head this group and set the first meeting; please let Judy know who your rep is. by January 18th. We will hear this group’s recommendations at the next meeting.
- ◆ **The next NRMT meeting will be on March 8, 2008.** This is a change of meeting date (it was originally scheduled for March 1st, but was moved due to schedule conflicts). The meeting will be held in either Spokane or Yakima, depending on meeting room availability. The location will be announced by January 18th.

Pre-Work for the Small Groups:

The West Side Story (Karen Hart is Lead), on the topic of Staff Qualifications, will review and make recommendations about:

- ◆ ***Basic Education***

- ◆ ***Personal Qualities***
- ◆ ***Business Responsibilities***
- ◆ ***Assistants***
- ◆ ***Smoking***
- ◆ ***Alcohol and Drug Use***
- ◆ ***Legal Status***

The A-Team (Debbie Knighten is Lead) will continue their work on the topics of Infant Care and Indoor Environment, though these topics will not be addressed until the April meeting.

The C & C Group (Marge Johnson is Lead) will continue their work on Licensing Process.

Thanks to all for continuing to travel and sacrifice hours of personal time engaging in research and discussion. Thank you for your hard work.

(These notes are not intended to be all inclusive, but rather to share what the facilitator captured though group discussion and flipchart notations. Additional notes may be available.)

Negotiated Rule Making Team

Guiding Principles

(Adopted August 11, 2007, reaffirmed January 12, 2008)

The following document was brainstormed as the intent of the entire WAC itself. At the core of the newly envisioned Family Child Care WAC are the rights of children. Following these rights are the intentions which breathe life into these basic rights. This section would be a great introduction to the new WAC.

Rights of Children in Family Child Care

1. Right to freedom from abuse and neglect
2. Right to confidentiality
3. Right to freedom from harmful actions or practices
4. Right to a safe and healthy environment
5. Right to be free from discrimination
6. Right to consideration and respect

The Minimum Family Child Care Licensing Requirements WAC Guiding Principles

The intent of the Family Child Care WAC is to:

- **Promote the health and safety of children**, while allowing children to take reasonable risks, appropriate to childhood. Reasonable judgment and recognition of the home environment are essential.
- **Increase quality of child care**, by being research-based and data driven. Providers will be allowed options for being in compliance. Professional growth will increase through mentoring and monitoring, training, [being] pro-active, and voluntary compliance.
- **Encourage the nurturing and guidance of children**, allowing for growth in all developmental domains. The WAC should allow for culturally relevant care.
- **Increase availability of licensed family home child care**, by being inclusive of anyone meeting the minimum licensing requirements to provide child care. The WAC should be inclusive of all children (e.g., special needs). The WAC should encourage licensed care.
- **Be transparent about expectations and compliance**, by being an understandable, clear and user-friendly resource, where child care providers, licensors, and parents know what to expect from licensed care.
- **Provide a legal base to protect children and providers**, while allowing flexibility for unexpected situations.