

Department of Early Learning NRMT Meeting Notes
March 8, 2008, Spokane, 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:

- Hear process flow about rule drafting and editing from the Rule Writing Review Subgroup (Andy Fernando is Lead);
- Hear recommendations about NRMT Meeting Protocols from the Protocol Revision Group (Judy Jaramillo is Lead);
- Hear recommendations about considerations for the category of Staff Qualifications;
- If time permits, hear recommendations about Licensing Process;
- Discuss and determine what elements should be incorporated into our work moving forward; and
- Determine next steps.

Pre-Work Given at January 12, 2008, Meeting:

- ◆ 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 (get subsidy info from Sal)*
- ◆ The A-Team (Laura Dallison 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.

<i>Time</i>	<i>Topic</i>
10:00	Welcome, Agenda Review, Check in
10:30	Rule Writing Process Review – Recommendations (Andy)
10:50	Protocol Revision Group – Recommendations (Judy)
11:20	Work Group Meetings
11:45	Recommendations about Staff Qualifications – <i>West Side Story</i>
12:15	Break for Lunch

12:35	Staff Qualifications - <i>continued</i>
2:00	Recommendations about Licensing Process – <i>C & C Group</i>
3:10	Action Items, Next Steps
3:20	Next Meeting Agenda, Assignments, Project Schedule Adjustments
3:30	Adjourn

Voting Members Present:

Bob McLellan - DEL	Sue Paskiewitz – SEIU/Provider
Lisa Beaulaurier – SEIU	Cassandra Clemans – CARE
Kathy Yasi – SEIU/Provider	Angela Taylor – SEIU/Provider
Mary Ruch-Brown – DEL	Donna Horne – WSFFCA/Provider
Martha Standley – DEL	Sandra Van Doren – EWFCCA/Provider
Judy Bunkelman – DEL	Patricia “Scooter” Johnson – SEIU/Provider
Larry Horne – DEL	Stu Jacobson – PSCC
Marge Johnson – DEL	Lydia De Leon – DEL
Dora Herrera – SEIU/Provider	Judy Jaramillo - DEL
Lola Kling – SEIU/Provider	

Public and Guests

Diane Hansen – SEIU	Eilleen Kendall - EWFCCA
Sue Winn – WSFCCA (Provider Alternate)	Diane White – EWFCCA/SEIU
Kat McGunagle – EWFCCA/SEIU	Liz Kocherhans

Others

Debbie Rough-Mack – Facilitator
Andy Fernando – DEL NRM Coordinator

Welcome, Check in

We adjusted times on the agenda based on what the small groups were able to accomplish.

Rule Writing Process Review

Lead Andy Fernando reported this update from the small group:

- ◆ They are planning an in-person meeting on April 5, 2008, in Olympia
- ◆ Donna Horne volunteered to replace Margo Logan on this small group. Margo informed Andy that she is stepping back her direct involvement in the NRMT.
- ◆ Their focus is to review the rule writing process and be intentional about getting parent involvement to respond to draft rules (Some group response to this: consider former, as well as current parents of kids in family care; consider a single point of contact to receive the feedback).

- ◆ Andy is meeting with the DEL Parent Advisory Committee on March 17 to discuss ways to get more parent feedback.
- ◆ Andy is coordinating a “Clear Rule Writing” training class, sponsored by DEL, taught by Ginny Redish, a national trainer on clear and plain writing. Andy is the contact if you want additional information.
- ◆ Once the rule writing training has occurred, the large group will hear from Judy & Sandra, the NRMT rule writers, about how they plan to proceed.

Review of NRM Team Protocols (Lead: Judy Jaramillo)

Judy reported that she met with reps from each of the small groups to hear their concerns about what needed tightening in the NRMT protocols. Her protocol team then came up with a proposed a revision of the protocols (attached) and a discussion followed which included:

- ◆ All agreed there should be “sanctions” for violating the team’s agreed-upon protocols.
- ◆ Regarding Attendance/Member Participation, there is an expectation that all members will attend all meetings, though it was acknowledged that this is not always possible. If any member misses more than 3 meetings in a row, the small group Lead will contact the “missing person” to understand the situation and/or pursue action. ***Vote: 19 in favor, 0 opposed***
- ◆ The NRMT roster will list members who agree to the participation requirements. Other interested parties, including those currently listed on the roster but not regularly attending, will be invited by Andy to commit to the time for membership or offered an alternative method of participating in the process (e.g. to give feedback on draft rules). ***Vote: 19 in favor, 0 opposed***
- ◆ ***Vote on the whole proposed written protocols document, with the edits/additions above, and without the sanctions piece: 19 in favor, 1 undecided***

Sanctions if protocols are breached (this discussion occurred later in the meeting):

There was general agreement that all NRMT expect that members will participate in good faith, and that we will assume positive intent from our colleagues. If, however, anyone or any group feels a voting member is not following NRMT protocols, he/she should notify the NRM Coordinator that he/she will be “raising the flag” with another member by following the steps below.

The “Offended Member(s)” will send a written communication to the “Alleged Offender” using the format –

1. ***This is the protocol that I think was breached:***
(Describe the protocol, refer to its location in the NRMT protocol document)
2. ***This is what I observed/experienced:***
(Describe the action and its impact on you and the NRMT)
3. ***What happened from your perspective?***
(Await response)
4. ***This is what I’d like to see happen so that we can move forward:***

(Describe what you need – e.g. an apology, an explanation to the group, acknowledgement of the impact, etc.)

5. ***If resolution is not reached, inform NRM Coordinator, who brings the issue to the full group.***
6. **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.**

Vote on the sanctions when protocols are breached was 19 in favor, 0 opposed

Staff Qualifications – West Side Story (Lead: Karen Hart)

The West Side team said that they had reviewed the subtopics below, and are waiting for legal input before presenting a matrix for the group's consideration next time.

- ◆ Basic Education
- ◆ Personal Qualities
- ◆ Assistants
- ◆ Volunteers
- ◆ Legal Status
- ◆ Substitutes
- ◆ Smoking, Drug, and Alcohol Use

Since the categories listed are only some of the subtopics under the Staff Qualifications category, the West Side group will provide the full Staff Qualifications matrix when they offer their recommendations, so that the NRMT has context for the discussion.

Licensing Process – C & C Team (Lead: Marge Johnson)

The group had prepared matrices for several subtopics. Discussion included:

From the matrix with the subtopic: Family Child Care Licensing Provisions

- ◆ The group recommended that the definition of “Family Home Child Care” means “child care in the (provider’s) family home quarters for periods of less than 24 hours unless accommodating family work hours.” The intent is to accommodate care for children whose parents work non-traditional or long hours, such as nurses, firefighters, military personnel, etc.

Vote 19 in favor, 0 opposed

- ◆ Regarding Background Check Rules -- Add a rule section that states that any provider needs to comply with background check rules. (see proposed WAC chapter 170-06)

Vote 17 in favor, 1 undecided (intent not clear)

- ◆ Hours Open (currently in WAC 170-296-0290): Move to Special Programs, “Nighttime Care”
- ◆ American Indian Children (currently in WAC 170-296-1380)” Move to Special Programs or (new subtopic) Culturally Relevant Care or General Licensing

From the matrix with the subtopic: Exemptions from Licensing

- ◆ The definition of “licensing exempt” should be handed off to the “Definitions” committee

As a result of the discussion around definitions, Judy Jaramillo (Lead), Judy Bunkelman, Cassandra Clemans, and Dora Herrera agreed to form a Definitions Committee. This group will:

- ◆ Create a list of terms that need to be defined
- ◆ Begin with a handful, then get the group’s input
- ◆ Use Exemptions/ Licensing as a resource to practice application of their definitions

The large group acknowledged the significant work that the C & C team had done in reviewing subtopics and creating (nine!) matrices. The large group made the above decisions, and then asked the C & C group to revisit their matrices to:

- ◆ Clarify the intent around each of their recommended subtopics
- ◆ Work on completing the columns in the matrices and
- ◆ Develop more specific recommendations to propose to the large group.

Next Steps, Action Items

- ◆ Anyone interested in the rule writing class, please contact Andy Fernando.
- ◆ Mary Ruch-Brown will create a tickler file for topics which might imply providers would be accountable for someone else’s behavior.
- ◆ The NRMT members will sign a form that demonstrates commitment to the group’s agreed-upon protocols.
- ◆ Andy will call the people on the roster who have not been present recently to explain the protocols and the expected commitment from voting members. Alternate means of participating will be offered.
- ◆ **The next meeting will be in Yakima on April 12th at the DEL Office, (1002 N. 16th Ave., Yakima 98907).** Details will follow.

Pre-Work for the Small Groups:

- ◆ The West Side Story (Karen Hart is Lead) will provide the full Staff Qualifications matrix for the group’s final discussion on this topic when they offer their recommendations about:
 - Basic Education
 - Personal Qualities

- Assistants
 - Volunteers
 - Legal Status
 - Substitutes
 - Smoking Drug and Alcohol Use
-
- ◆ The A-Team (Laura Dallison is Lead) will continue their work on the topics of Infant Care and Indoor Environment.

 - ◆ The C & C Group (Marge Johnson is Lead) will continue their work on Licensing Process, specifically:
 - Clarify the intent around each of their recommended subtopics
 - Work on completing the columns in the matrices and
 - Develop more specific recommendations to propose to the large group.

Thanks to all for continuing to travel and sacrifice hours of personal time to engage in research and discussion.

PROTOCOLS

Negotiated Rule Making Stakeholder Expectations and Agreements

(Adopted March 8, 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:

Interest Groups	Maximum Members
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 DEL 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 stakeholders agree to be truthful and respectful. 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 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 recommendations. The team will provide this context when sharing the recommendations that have been sent on to the writing team.

Sharing information with the media

The NRMT collectively decides what and when to release information to the media, through public figures or the DEL NRMT website. (e.g. the designee appointed by the Director of DEL). Meeting participants should generally direct media to designated spokespersons for each of the interest groups. As voting members each interest group will be expected to publicly support the intent of the NRM process. Respectfulness and other protocols apply here.

Recording Meetings

These are public meetings; if a team member wishes to record a meeting they must inform the team prior to the start of the meeting.

Workgroup Documents

Each workgroup will submit to DEL their written documents at least 1 week before the next whole group meeting, so that everyone can be prepared.

Communication with Stakeholders Not Present at Meetings

DEL's NRMT Project Manager 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 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

views. 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

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 March 8, 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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Alternates

_____	_____
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