



Fair Start for Kids Act (FSKA) Temporary Licensing Subcommittee of ELAC Meeting Minutes

August 17, 2022 – 6:00 pm to 8:00 pm
Virtual Meeting

Welcome, Virtual Meeting Protocols and Introductions

DCYF Deputy Director of Community Engagement Deanna Stewart, welcomed attendees, discussed virtual meeting protocols and initiated introductions.

Unlicensed Care

DCYF’s Statewide Licensing Administrator, Travis Hansen, provided an overview of Unlicensed Care.

Discussion	<ul style="list-style-type: none"> • Has the law changed so DCYF has jurisdiction over unlicensed childcare? <ul style="list-style-type: none"> ○ If providers persist in providing unlicensed care, DCYF can send cease and desist letter or issue civil penalties to unlicensed providers. • What was the outcome for the WA Karate Association? Do they give rational that was good enough that they did not need to be licensed? <ul style="list-style-type: none"> ○ If it is a place that is just refusing to become licensed, and we feel like kids are aren't safe, then we're going to pursue it. But at this point we don't have any teeth. It is a misdemeanor in WA state to provide unlicensed childcare, but you have to involve law enforcement to file charges and get a prosecutor onboard. It is difficult to get to that point because DCYF does not have enough staff to investigate and secondly we need a new process that could be different in each community. • Are you going to have a translator for people who do not speak English? <ul style="list-style-type: none"> ○ These are complicated complaints with little information which takes time. But once we get a more information to understand the situation, yes, we can provide a translator. • If a provider has lost their license because they do not have a high school diploma, how can you support those providers to meet education requirements? <ul style="list-style-type: none"> ○ We would help them figure out how to meet those qualifications and get them licensed again. ○ We pursue providers who have had their licenses revoked and are still providing care because kids aren't safe. • There is an issue with qualifications in the Latino community. There are many ex-providers who are unable to get licensed because they don't have their educational documents from their home country. And when trying to obtain education here, the classes are in English. We need to give opportunities to people and support those who want to be in this field. <ul style="list-style-type: none"> ○ DCYF does need to look at qualifications. There is a worker shortage and we can't be turning people away right now. I think this group should be recommending that. • If there is unlicensed care that needs to be reported it should not have to go through ENDHARM. Families don't want to call Child Protective Services (CPS) even if it's not about themselves. The hope is that there will be a separate way to report unlicensed care. <ul style="list-style-type: none"> ○ I agree with that recommendation. • There's a huge difference between how unlicensed care is treated versus a provider who decides to drop their license.
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- When the intake comes in we look in the system to see if the provider has ever been licensed and they are treated differently if they've been licensed because they know what they are doing is against the law versus someone who doesn't know the childcare system.
 - What about places that have been warned so they do know the law, they are just ignoring it?
 - DCYF has tried but this issue cannot get any traction. One solution would be if we had specialists who would specialize in the complaint investigations.
- Do self-reports need to be funneled through ENDHARM instead of licensing? I almost prefer a CPS investigation versus licensing handling the investigation. The process is a little strenuous.
 - ENDHARM is one way to capture all of the complaints. We have added steps to our practice to screen out complaints at the supervisor level. However, complaint investigations are not a licensors' specialty compared to CPS staff.
- Licensed providers are in an unfair playing field. What can we do to change this?
 - We've talked about doing a statewide register. Some states have a registry for providers to apply for exemptions and then it's documented. DCYF would love for this group to make recommendations to help fix this problem. We need an aggressive campaign for unlicensed childcare and DCYF Licensing would love to partner on this.
- When reporting unlicensed places, they ask did you see neglect or harm and if there is none they say don't worry about it. The unlicensed places have too many kids and it's not safe. Is there a number we can call? This information needs to be widely shared.
 - Currently, 1-800-ENDHARM is the number to call for unlicensed providers or CPS issues. There is an intake person who fills out the complaint form and then it goes to licensing.
 - If intake workers are not doing their jobs, please write their first name and take this information to your licensor.
 - Is it still confidential?
 - Yes, you can be a confidential referent. It does sometimes make it difficult because licensing does like to speak with the referent in order to verify information.
- If you have a summer school age program does it need to be licensed if you don't accept subsidy?
 - Check with your licensor first to let them know what you're doing to ensure you don't get an unlicensed complaint.
- Did emergency waivers go away?
 - Only if folks aren't using them, but check with your licensor.
- Why are there no requirements for the under five hours a day programs?
 - I would like those providers to be licensed, but historically there has been major external pushback.
- What's to stop a sex offender from starting a program?
 - There is a system behind the scenes that cross references where sex offenders live and where childcare programs are. If a sex offender registers at a childcare center the system notifies licensing.
 - This is exactly why places need to be licensed.
- We do need to have a plan or next steps in place. Licensing regulations are overly burdensome in some areas. We need to be diligent with health and safety but we have to do something to solve licensing overregulation and unlicensed care.



	<ul style="list-style-type: none"> ○ There will need to be a Revised Code of Washington (RCW) change to give DCYF authority to enforce this. We need to look at the barriers to licensing but also have to look at unlicensed providers who don't play by the rules. ● If the law says you have to be licensed and people are breaking the law why is this acceptable? <ul style="list-style-type: none"> ○ DCYF is trying to pull in law enforcement and the legal systems but once handed over nothing is being done. <ul style="list-style-type: none"> ▪ Licensors need to educate and guide providers, not punish them or intimidate them. ● What did Texas do regarding unlicensed care? <ul style="list-style-type: none"> ○ Texas created a whole unit that deals with unlicensed complaints and gave them authority to deal with these situations. There needs to be something in the law that if a provider does this multiple times then they get shut down. Texas is a good example and there are other states with similar models. ● Does DCYF keep a list of licensed exempt places? <ul style="list-style-type: none"> ○ No, they currently do not have to request an exemption, but that is the direction Licensing would like to take in order to get a better idea of the childcare system and see how many preschools are in the area. <ul style="list-style-type: none"> ▪ And you could require background checks. ● This group should recommend that another group be formed that is able to look at petitions to make changes to the WAC and eliminate things to make it more feasible. <ul style="list-style-type: none"> ○ Do you think that would tie into a childcare provider's rights and responsibilities document? <ul style="list-style-type: none"> ▪ That could be created there but I think that is different. They are only showing up to unlicensed care to look and make sure everyone is safe. But licensed care providers are scrutinized. Licensed care is so over-regulated and it is costly. ● DCYF needs to come to the community, or have it on the radio frequently, to provide information on the benefits of children going to a licensed childcare provider and also provide the information in Spanish. ● At the next provider supports meeting in October there needs to be representation from Licensing Division and CPS who can answer these questions. ● There are a lot of stipulations that prevent people from getting licensed. Instead of best practices being incorporated into the Washington Administrative Code (WAC) or Early Achievers, make health and safety a bigger component for licensing. ● Please reach out to the community more and provide this information on the radio in English, Spanish, Somali, Japanese, Russian, etc. A lot of people will benefit from this information and then parents will understand the difference between licensed versus unlicensed.
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2022 Meetings, Closing Remarks and Adjourn

Discussion	<ul style="list-style-type: none"> ● The next meeting is scheduled for September 7, 2022. ● If there are any providers who are not receiving emails regarding the FSKA TLS meetings, please email dcyf.communityengagement@dcyf.wa.gov. ● If you would like interpretation services to participate in these meetings, please reach out to dcyf.communityengagement@dcyf.wa.gov with your language needs.
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