



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

September 7, 2022 - 1:00 to 4:00 pm
Virtual Meeting

Welcome, Virtual Meeting Protocols and Introductions

DCYF Community Engagement Manager, Emily Morgan, welcomed attendees, discussed virtual meeting protocols and initiated introductions.

Regulation of Child Care Providers

Providers engaged in a feedback seeking activity to identify specific recommendations around improving agency regulations of Child Care Providers.

Discussion	<ul style="list-style-type: none"> • Providers tend to get announcements the day of, or the day before, something is due/required. We also recently received email communication from DCYF back dating when Cardiopulmonary Resuscitation (CPR) and First Aide classes had to be completed in-person. • It would be nice to receive a 30-day window of when facilities can expect a licenser to show up. I understand that things should be ready all the time, but directors have concern/anxiety of a licenser showing up when they are not there, especially worry from staff having to manage the visit. <ul style="list-style-type: none"> ○ I feel like this could be handled similar to how the food program handles their process. When a business is initially licensed, there tends to be more frequent unannounced visits, but when a facility has been operating for a period of time without issues, there is less of a need for as frequent of visits. • Would like to hear what the licensers think about this, and what it would take to change this role. <ul style="list-style-type: none"> ○ I am not aware of the Child Care and Development Fund (CCDF) requirement that would not allow this to happen. Regarding shifting the frequency of visits, I understand the rational of this, but CCDF requires an unannounced visit once a year, and I am not sure if that is adjustable. Matt Judge, the CCDF Administrator, would be the one to know this for sure. • Would it require a rule change to change to a window of time, rather than the visit being a total surprise? <ul style="list-style-type: none"> ○ That would be a Washington Administrative Code (WAC) change. We would have to make sure that it aligns with the CCDF plan and with what CCDF requires of us. <ul style="list-style-type: none"> ▪ So, it is possible it would just be changing an internal policy? If it does not counter CCDF, it would be changing what DCYF is doing. <ul style="list-style-type: none"> • We would have to check on this. ○ What about once per year, but not every year needs to be unannounced? <ul style="list-style-type: none"> ▪ We will reach out to Matt Judge for a more thorough answer. ○ Early Achievers (EA) was able to be considered unannounced, but were also given a window. <ul style="list-style-type: none"> ▪ EA is based on different rules. • With regard to CCDF, there is a lot that's subject to interpretation by DCYF staff, and I am wondering if this is one of those things. <ul style="list-style-type: none"> ○ We might need to ask our Assistant Attorney General (AAG) on the WA state interpretation of unannounced visits.
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- With the licensing visit, there are a lot of components to it. There is a component where the licensor has to review paperwork/policies with the director, which could be an announced visit, then have the unannounced visit to address safety and general items. I am also curious, in regards to necessary documents such as CPR/First Aide documents, why can't those be uploaded into MERIT, where the licensor can see everything? This would reduce everyone's time during visits.
 - Have you been asked to verify a CPR card is valid?
 - I had a licensor say that she did not think that the class was done in-person, because the card did not look like an in-person card that she is used to.
- Providers have heard from staff, colleagues, etc. that licensing rules are applied widely and are widely considered an overregulation. Have you heard any complaints about overregulation?
 - I have not heard it called overregulation. Because of how the WAC is written, there will be more than one duty, such as a duty in subsection A and a duty in subsection B. A licensor might think that because one is out of compliance, they assume the other is out of compliance, as well. They can be out of compliance for one, but not the other.
- As an example, a WAC that came into question as soon as COVID hit, a lot of local health departments said to stop toothbrushing if there was no way to completely eliminate cross-contamination. I have heard from many providers that they have chosen to put language in their paperwork that has resulted in parents opting out. If parents are opting out, and providers are determining that this is not necessary for providers to fulfill, I do not feel this should be a WAC for providers. Would that fit under overregulation?
 - I cannot comment for the entire department, however, one of the clarifications I have provided to staff, is that they read the WAC carefully, which says "toothbrush activity". This could be reading a book, doing an activity, etc.
 - I appreciate the answer. I feel like anything that has an out should be considered. There are other things, such as writing the child's name on a daily basis, that a lot of providers would think is more important than making sure the child is brushing their teeth at childcare.
- Another similar example would be requiring fruit/vegetable for snack. We already have someone who monitors this. Feel this is an overreach.
 - Part of the snacks is you have to follow U.S. Department of Agriculture (USDA), and if there was a certain piece that was important to a provider that is not on the program, we could add that. We are constantly trying to look at the WAC to see what needs to be amended.
- Providers should be a part of the discussion in regard to amending WAC's. This topic should also be talked about at the Provider Supports Subcommittee meetings, as it is an important topic.
- Providers bring recommendations to DCYF frequently, but recommendations are not followed through with. Seems that when parents bring petitions to the state, they are listened to and it gets addressed, but when providers do this, nothing seems to happen. Why is this?
 - I am hoping Tyler Farmer can give a better explanation on this. I can tell you that your petition was looked at, but Tyler would have a better response for you from the standpoint of "why".
- You are asking providers to look at every instance that we feel needs changed, and bring that to DCYF. That is a lot to ask of providers. Rules need to be consistent, and licensors need to be fully knowledgeable of the rules/regulations, and be able to provide examples of what the rule means and requires.



- So, the feedback loop on petitions to amend rules (WAC) is not clear or feels insufficient. We should let Tyler know this specific question is coming up so he can explain the existing process and how it could be changed at our next meeting.
 - Providers always have the right to dispute a finding on an inspection report. If someone is telling you to do something that is not correct, you have the write to dispute it.
- A monthly meeting between licensing and providers would be helpful. We are often told that things are handled by the region, but it should not be different between regions and licensors. Things should be the same and we should have the time for a Q&A with licensors. Licensing is very closed off from provider communication.
- With regards to resources that help explain what a WAC looks like in practice, we have the licensing guidebook. I am curious if there are recommendations about how that resource can be used, so that there is one place licensors and providers can go to access the information.
 - The bigger issue is not the guidebook. The WAC is what dictates. We have the right to appeal, but as a provider, you have to choose your battles and sometimes it is easier to do what the licensor says, than to fight it. The bigger issue is to respect provider feedback and recommendations, and take a look at WAC's to make changes. The power and experience dynamic are unbalanced. We need DCYF to take providers seriously and we need action quickly.
 - The guidebook, in my opinion, are suggestions of how to be in compliance. If it will not provide clarity of the WAC, then they are just suggestions.
- I have connected with a health and safety specialist that I am able to talk to because our region is so wide. Judy's ability to use innovative thinking to meet the WAC, is not something I have experienced with licensors across the board. How can we build up licensors so they feel comfortable, and have the knowledge, to think outside the box, instead of concentrating on a paper in front of them?
 - Licensors should be able to solve problems in front of them. This is part of the overarching issue.
 - We are working with staff in this area. Some WAC's are black and white. We have a lot of new staff, so some do not have the experience.
- A system that needs to be repaired, would be having a customer service survey (anonymous feedback) that occurs after a licensor completes a visit. This would highlight any issues between licensors and providers and would be an effective way to manage any issues or concerns.
 - Thank you, that recommendation has been added to the list.
- What is the decision-making process for making it into the recommendations?
 - We sent out a survey with the last meeting's follow up email, as well as sent out a reminder to complete the survey. The survey included recommendations made so far, and asked for feedback regarding whether providers supported the recommendations thus far, or did not support them.
 - Wonder if this would be a good platform to complete the survey. I don't have the time to look at a survey, but to do so in the meeting, would be better. Staffing is such a crisis right now, there is not enough outside time to do those things.
 - Are you saying, such as a yes/no mentimeter vote during the meeting?
 - Yes. We already have these meetings on our calendars, so it is easy to provide that feedback as well.
 - Thank you for that feedback. We will consider it when planning the remaining meetings. We sent



	<p>out the survey to help accommodate providers who cannot attend the FSKA TLS meetings consistently.</p> <ul style="list-style-type: none"> • A ranking or prioritization should be included in the survey. Would be hard to do everything at once, but it would be helpful to know what to address first. • I wonder how this survey was presented. <ul style="list-style-type: none"> ○ The survey was sent out with the last follow up email, and a reminder was sent out as well. It was a long survey, but we wanted to give individuals the opportunity to provide feedback, who were not able to attend the meeting. We will make sure to provide opportunity to provide feedback during the next meetings that cover recommendations.
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Child Care Provider Rights & Responsibilities

Providers reviewed identified recommendations regarding the development of a Child Care Provider Rights and Responsibilities document.

Discussion	<ul style="list-style-type: none"> • Who is responsible for creating the recommendation document? I am not sure if this group will have time to fully develop the document. I feel this should go to the Provider Supports Subcommittee. • Did DCYF create the Foster Parents Rights and Responsibilities document in partnership with foster parents? <ul style="list-style-type: none"> ○ Yes, and it is something that is revisited. <ul style="list-style-type: none"> ▪ I am happy to hear it was a collaboration. • I would like to see the recommendation list written in a way that providers want. Then have a conversation around how to make sure the recommendations are in compliance. • We need a document that lists out what a provider can expect during and after a licensing visit. • I like the idea of having a general section in the document that is tied to WAC definitions, as it relates to providers (home childcare versus center based). • Judy from licensing would be able to provide input to the recommendations, that providers are not aware could be added to the document. She should be a part of this conversation. <ul style="list-style-type: none"> ○ I would recommend include things around equity, such as language support. DCYF is responsible to provide this. <ul style="list-style-type: none"> ▪ What happens if you are a Spanish speaking provider, with an English-speaking licensor, what happens? <ul style="list-style-type: none"> • A provider could either use an interpreter, or request to switch to a bilingual licensor. <ul style="list-style-type: none"> ○ Someone who English is not their first language, I would imagine that they would not be aware of those rights. • We have not received much training on how to use the portal. This should be a high priority for DCYF. <ul style="list-style-type: none"> ○ Are you thinking trainings should be included in the Rights and Responsibilities document? <ul style="list-style-type: none"> ▪ Yes. • It should be put into the recommendations that the different portals providers have to use be more user friendly. • There was a change to MERIT last week, and I can no longer see the employment record of my staff. Hoping there will be a notification on that change as to why. <ul style="list-style-type: none"> ○ Will do some asking on this, and see about an answer in the next feedback loop. • MERIT has the ability to capture staff working at multiple sites, but the licensor is saying that they expect to see staff members on each building site list they could potentially be
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	<p>working at. What is the licensor trying to accomplish? Why does she want to know that detail?</p> <ul style="list-style-type: none">○ Would that be a licensing change or MERIT?<ul style="list-style-type: none">▪ MERIT has the ability to do it. Think it is the licensor mandating this happen.<ul style="list-style-type: none">• It is a WAC that each staff member be listed under all potential working sites.<ul style="list-style-type: none">○ The WAC says that all staff are supposed to be maintained in MERIT. If staff are subbing, they are considered a staff in that location. That is why a licensor is requesting this. We are addressing this through the organizational license pilot program.• Wonder how providers who have multiple sites, prefer it be listed?<ul style="list-style-type: none">○ I think all staff should have a “designated home base”. If they happen to be at another site when a licensor comes in, they should not need to be listed at every site.• It creates bad data, to have staff listed in multiple locations.• Early Childhood Education and Assistance Program (ECEAP) is considered a site itself. Even though I only have one site, I have two different programs under that site within MERIT.• Does National Association for the Education of Young Children (NAEYC) have a bill of rights document? Wondering if there is something we can look at as an example.<ul style="list-style-type: none">○ When this topic was suggested, the person stated that Oregon has a rights and responsibilities document for providers. I looked for this document, but was unable to find it.○ Utah has one: https://childcarelicensing.utah.gov/forms/All/Child_Care_Provider_Bill_of_Rights.pdf
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Next Meeting Planning

<p>Discussion</p>	<ul style="list-style-type: none">• Is there specific information regarding the rulemaking petition process that this group wants presented on at the next meeting?• Would like to revisit how often it is required that rules are reviewed. This was brought up at a previous meeting, and I would like more information on this, as well as talking more about Negotiated Rule Making (NRM).• I would like to know the status of the privacy petition on diapering, that we gave feedback on.<ul style="list-style-type: none">○ I believe that WAC went into effect.• Is there a list of “untouchables”? Ones that cannot be changed.<ul style="list-style-type: none">○ Ones that are taken directly out of Revised Code of Washington (RCW’s) would have to go through legislation.<ul style="list-style-type: none">▪ Certain CCDF requirements would have to be changed at the federal level, RCW’s at the state level, WAC’s at the rule making process.• Anything listed as required because of CCDF should be noted as required by CCDF, or should be noted because it is required by Washington’s CCDF plan. This can be left open to interpretation.• These meetings are more valuable when licensing is present, so I want to acknowledge and thank licensing staff for being here.• Disappointed in the attendance today. Wonder if there is a better way to get the word out.<ul style="list-style-type: none">○ Maybe we could have call outs in the subject line, such as “Important Feedback” or “urgent action required”. The emails all look the same and I miss a lot.• I would like to have more emails with less information.
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	<ul style="list-style-type: none">• This is my second time attending, and these meetings are very informational. I had summarized what I heard at the last meeting to local providers and asked them for feedback, and they were making a lot of positive comments. We have a social media group for providers in our area.• I think it's because the providers don't think their input matters, so why would they take the time to attend.• We will look into adding meeting information to the Facebook page for further outreach.
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2022 Meetings, Closing Remarks and Adjourn

Discussion	<ul style="list-style-type: none">• The next meeting is scheduled for September 28, 2022.
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