

Negotiated Rule Making Team,

It is our belief that we, as a state are laying a ground-breaking foundation of quality early learning options for children and families in our state. We also believe it is our duty to develop rules that keep children healthy and safe while ensuring they have access to childcare that has resources and supports while keeping the cost affordable for families.

Our primary concern is that the least resourced child care providers may quit, losing more access for families and driving children into unlicensed care.

Simple licensing standards allow for good, intentional practice and a solid foundation to build a high-quality system that is inclusive, intentional and valuable.

The following areas are the most concern:

- Cultural and Linguistic Inclusion – We believe children’s teachers should reflect the same culture and languages as the children enrolled.
- Documentation and Time Commitment to recording Information – Time is something every child care provider would like more of. The demands of business ownership as well as the requirements from the proposed WAC will take quality time away from the children. We would like to see support services reinstated from years past. Template forms, training on provider wellness and self-care and implementation strategies on managing all aspects of the day to day requirements.
- Training and Higher Education – Time, relevance, availability in language, region and preferred method of delivery, Cost and Accessibility
- Cost to implement new standards
- Too many rules – 600 plus rules are too many! We need common sense rules that address health and safety as a foundation.
- 124 possible standards to issue a suspension -

When is less really more? The idea that simplicity leads to good design is a reality.

We have recommendations of the following:

- Remove best practice from the rules. Create intentional rules that address health and safety.
- Increase access to supports (like resources centers), professional development and higher education.
- Remove suspension as an option until there is a peer review system in place or a child is in imminent danger and a CPS investigation recommends suspension.
Weights of 7 or higher- Before suspending or revoking a license, the DEL must engage in consensus of a peer review panel made of 4 peer licensees and 3 licensing staff with a majority

in favor of suspension or a CPS intake with a direct threat of harm or imminent danger to a child. The peer review panel may make recommendations in lieu of suspension.

- Safe sleep practices as referenced in DEL training include checking on often. American Academy of Pediatrics and The Consumer Product Safety Commission play a very valuable role in child safety. Knowledge is the key – currently, safe sleep training is not provided as an accessible resource to child care providers.
- Safe Sleep practices only reference birth to age 1, with emphasis on birth to 6 months. Remove toddlers from this requirement or change content to reflect the safety of toddler sleeping. Overnight Care – overnight care is generally utilized by single parent households and low wage workers. Requiring staff to be awake all night is not monitored by licensing. This is a good example of an area that we need good education and planning to prevent any injuries or health concerns. We cannot make this cost prohibitive for families. This rule will impact low income and single parent families as well as our immigrant and refugee communities.
- We propose sleeping on same level of home, plan for evacuation, at least one documented fire and disaster drill per year. If you are caring for a child under the age of 3, you must remain in the same room and you may not go to sleep until all children are asleep. The use of monitoring systems may be allowed in licensed family homes as long as the provider remains on the same level of the home and is able to respond immediately.

Family Child Care Licensee Definition Change

Justification:

Many small businesses may be encouraged to dedicate space for small child care for their staff if they have enough flexibility. We recommend that programs serving 12 or less children may take place in a licensed facility and follow the family child care wac. Family Child Care is more about the multi age setting, the consistent care provided by the staff in a small group.

A license for a child care center is permitted in a family home when the space is separate from living quarters and used exclusively for children during the centers operating hours or when children are in care.

- <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.450>

In order to best support new development, we recommend the definition change to:

- licensee caring for 12 or less children in one classroom or family home, children may all be one age group or multi age group birth through 12.

Proposed Definition Change

- WAC 170-296A-1000 License required. (1) An individual who provides care for children in his or her home must be licensed by the department unless exempt under RCW 43.215.010(2). (2) The individual claiming an exemption must provide to the department proof that they qualify for an exemption using a department approved form. 170-296A-1025 Who must be licensed. An individual must be licensed to care for children if any of the following apply: (1) Care is provided in the WAC 170-295-0020 Who needs to become licensed? (1) Individuals, entities and agencies that provide care for children must be licensed unless specifically exempt under RCW

43.215.010(2). (2) The person or organization claiming an exemption must provide us with proof of right to the exemption if we request it. (3) We do not license a center that is legally exempt from licensing per RCW 43.215.010(2). However, if the applicant requests it, we follow all licensing regulations to investigate and may certify the center as meeting licensing and other pertinent requirements. In such a case, all our licensing 170-300-0010 License required. (1) An individual or entity that provides child care or early learning services for a group of children birth through twelve years of age must be licensed by the department, pursuant to RCW 43.215.250, unless exempt under RCW 43.215.010(2) and WAC 170-300-0025. Weight NA (2) The department must not license a department employee or a member of the employee's household if the employee is involved directly, or in an administrative or supervisory capacity in the: (a) Licensing process; (b) Placement of a child in a licensed early learning program; or (c) Authorization of payment for the child in care. Weight NA (3) A license is required when an individual provides child care or early learning services Standards Alignment - Intent and Authority NRM draft Only (May 2017) Page outside the child's home on a regular and ongoing basis for one or more children ages birth through 12 not related to the licensee. As used in this section, "not related" means not any of the relatives listed in RCW 43.215.010 (2)(a); or (2) Care is provided in the individual's home for preschool age children for more than four hours a day. See WAC 170-296A-8350 regarding providing child care without a license.

Proposed New Rule

Family Child Care Flexible Ratios:

For up to 2 hours per day, a family home provider may expand capacity to meet the needs of families in their community.

LFCCP's must have adequate square footage and staff to accommodate additional children.

Justification – we currently have a shortage of care available and many school age children are unable to find reliable care, particularly on half school days. This would allow LFCCP's to keep families together, provide continuity of care for families.

Family Child Care Ratios

Caring for birth to 2 only

Capacity of 1:4 or 2:8 all age infants

****Keep the 18 month rule that is in current WAC

1:6 with 2 infants under two years

1:8 with none under 18 months and all children are able to walk independently

1:10 3years-12 years

1:12 school age children only

“Family home early learning program” means an early learning program licensed by the department where a Family Home Licensee provides child care or education services for twelve or fewer children in the family living quarters where the Family Home Licensee resides as provided in RCW 43.215.010(1)(c)(“family day care provider”).

Associated definitions:

“Child care” refers supervision of children outside the child's home for periods of less than 24 hours a day.

“Early learning program” refers to regularly scheduled care for a group of children birth through twelve years of age for periods of less than 24 hours, licensed by the department.

“Family home early learning program licensee” or **“Family Home Licensee”** means an individual licensee authorized by the department to operate a family home early learning program within the licensee’s family living quarters.

“Family living quarters” means a Family Home Licensee or applicant's residence and other spaces or buildings on the premises.