



Washington State Department of

Early Learning

Negotiated Rule Making

October 2017

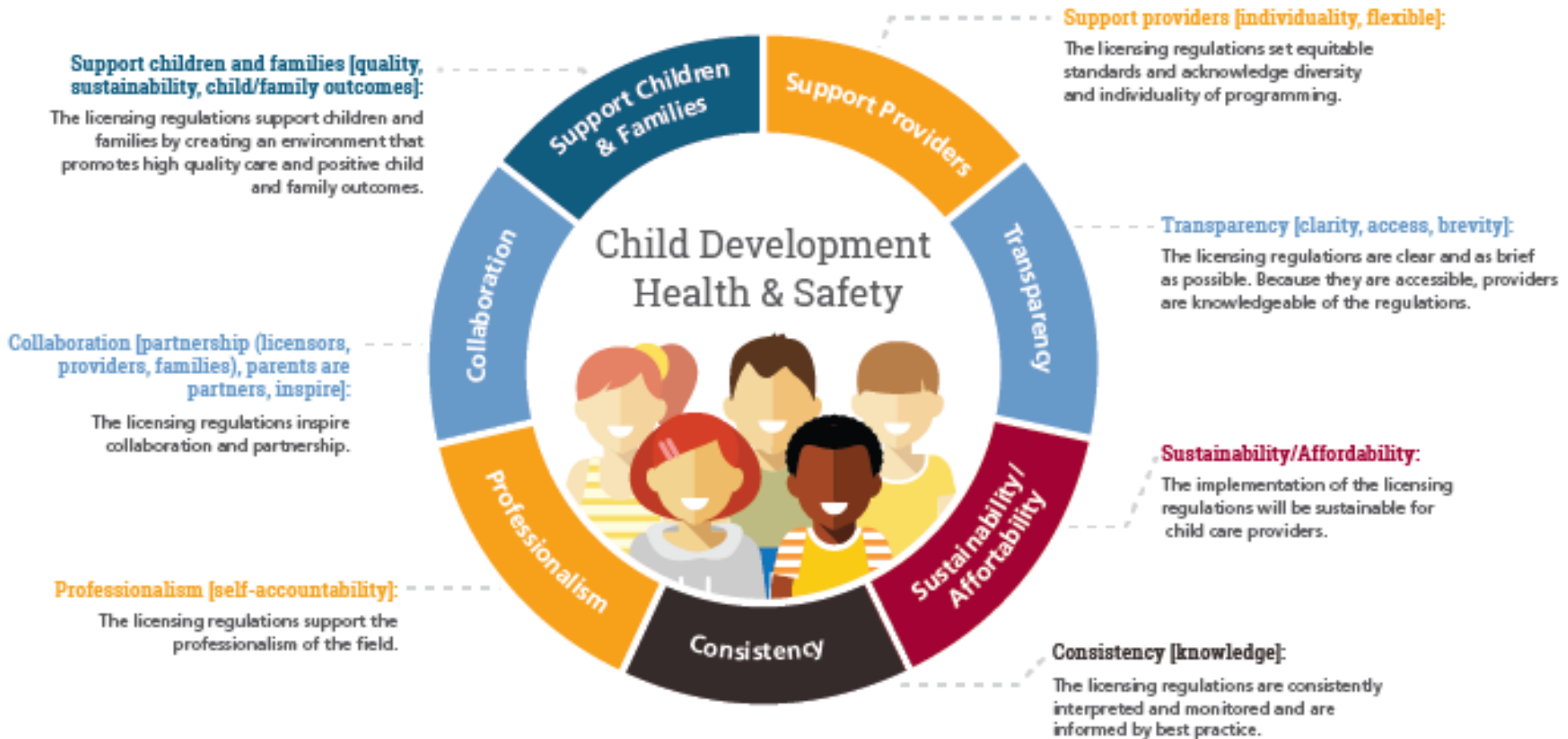
Olympia, WA



Agenda

- Introduction & Review
- Schedule
 - Current Status
 - This Weekend
- Risk-Assessment: Weights & Enforcement Brief Overview

NRM Guiding Principles and Core Values





Code of Conduct

- Negotiate in good faith with fidelity to the process
- Work to find common ground through negotiation
- Encourage and support an inclusive, public negotiation process
- Be truthful
- Respect each other and each other's opinions
- Limit side conversations
- Tolerate dissent
- Be courageous
- Be accountable
- Attend scheduled meetings and be punctual
- Prepare for scheduled meetings by reading the draft rules to be discussed before the start of the meeting
- Turn off cellphones and other distractions during meetings
- Follow the protocols

Look for **WIN-WIN** Opportunities!



Measuring Consensus

How it works:

When asked by the facilitator, each person responds by holding up a fist to five fingers that corresponds to their level of support. Anyone who holds up three fingers or less must state objections.

Consensus:

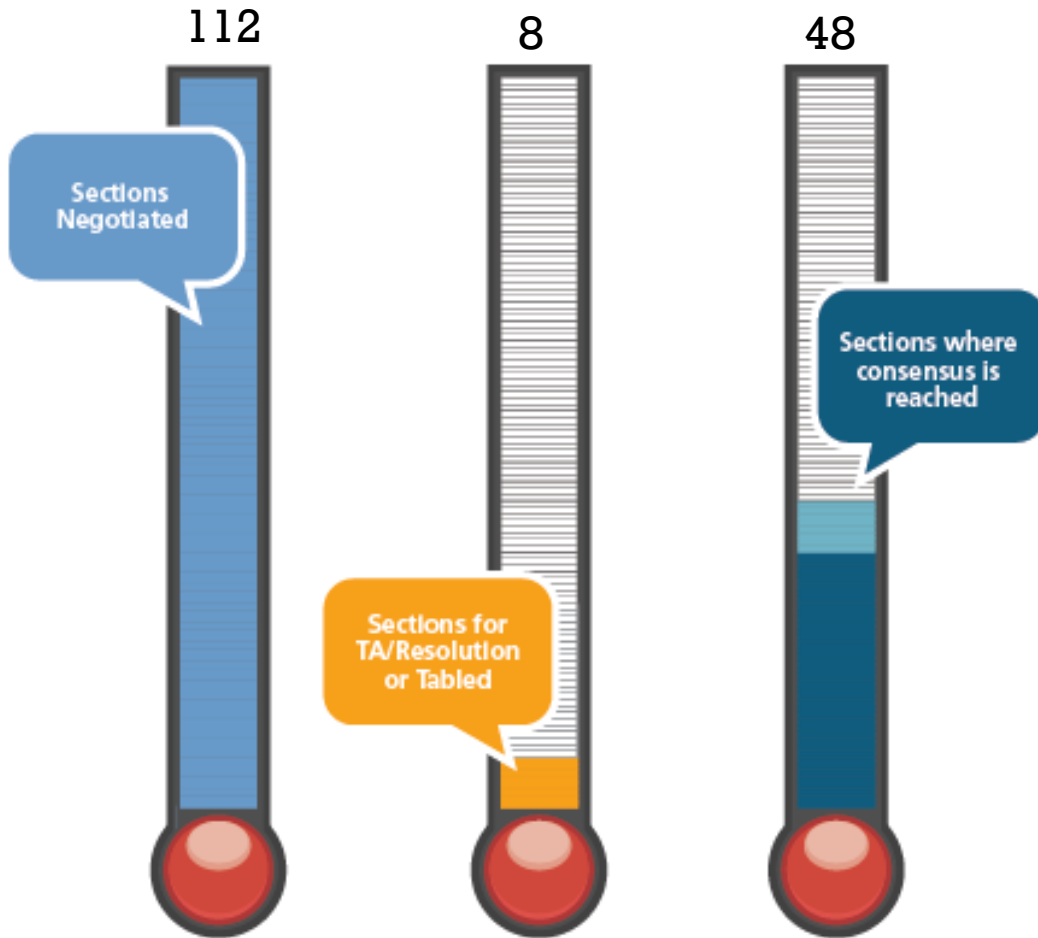
Consensus means everyone holds up three or more fingers.

					
Closed Fist No. I am blocking consensus.	1 Finger I have major concerns.	2 Fingers I would like to discuss some minor issues.	3 Fingers I am not in total agreement, but I feel comfortable enough to let the language pass with further discussion.	4 Fingers I think the language is good.	5 Fingers I think the language is great.



Cultural Competency

Current Status



Status	# of Sections
Negotiated*	112
Tabled/TA Resolution**	8
In queue for consensus	68
Consensus reached***	48
Total	112

*Originally 113 total sections, now 112 as 1 sections was combined and eliminated.

**TA/Resolution contain no full section where language and weights are to be discussed.

***Consensus reached: 39 full consensus, 9 partial consensus

Public Comments

After October NRM, Public Comment Portal Re-Opened on DEL Website

PERSONALIZED NRM INBOXES

Child care centers: CenterWACComments@pcgus.com

Parents: FamilyWACComments@pcgus.com

Head Start/ECEAP: HSECEAPWACComments@pcgus.com

Family home child care providers: FHCWACComments@pcgus.com

DEL Licensors: DELWACComments@pcgus.com

DEL INBOX

Rules@del.wa.gov



This Weekend

Thursday	Friday
<p data-bbox="125 501 633 654">Risk-Assessment: Weights & Enforcement Brief Overview Dr. Fiene</p> <p data-bbox="125 719 620 811">Large Group Consensus: Environment</p> <p data-bbox="170 872 587 963">Resolution Groups as needed</p>	<p data-bbox="697 501 1180 592">Large Group Consensus: Environment</p> <p data-bbox="697 651 1186 742">Small Group Negotiations (tabled items from Sept.)</p> <p data-bbox="736 803 1147 895">Resolution Groups as needed</p>



Beyond

November	January	February
<p>Large Group Consensus: Interactions & Curriculum</p> <p>Resolution Groups as needed</p>	<p>Large Group Consensus: Family Engagement, Child Outcomes, PD, Program Admin.</p> <p>Resolution Groups as needed</p>	<p>Large Group Consensus: Program Admin.</p> <p>Definitions</p> <p>Weight Review</p>



Location Options

Olympia

Spokane

Renton

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Risk-Assessment: Weights & Enforcement Brief Overview

Dr. Fiene & Discussion

Enforcement & Timeline Discussion

- ✓ Sufficient time for DEL to prepare
 - ✓ Communication
 - ✓ Funding
 - ✓ Training
 - ✓ Administration
- ✓ Sufficient time for Providers to prepare
- ✓ Proper time to test new weights & enforcement tiers before major enforcement actions (validation)
- ✓ Enforcement actions during testing are targeted at providers risky non-compliances

Risk Assessment: Brief Overview

The level of risk of harm to the child

Possible enforcement actions available to licensors



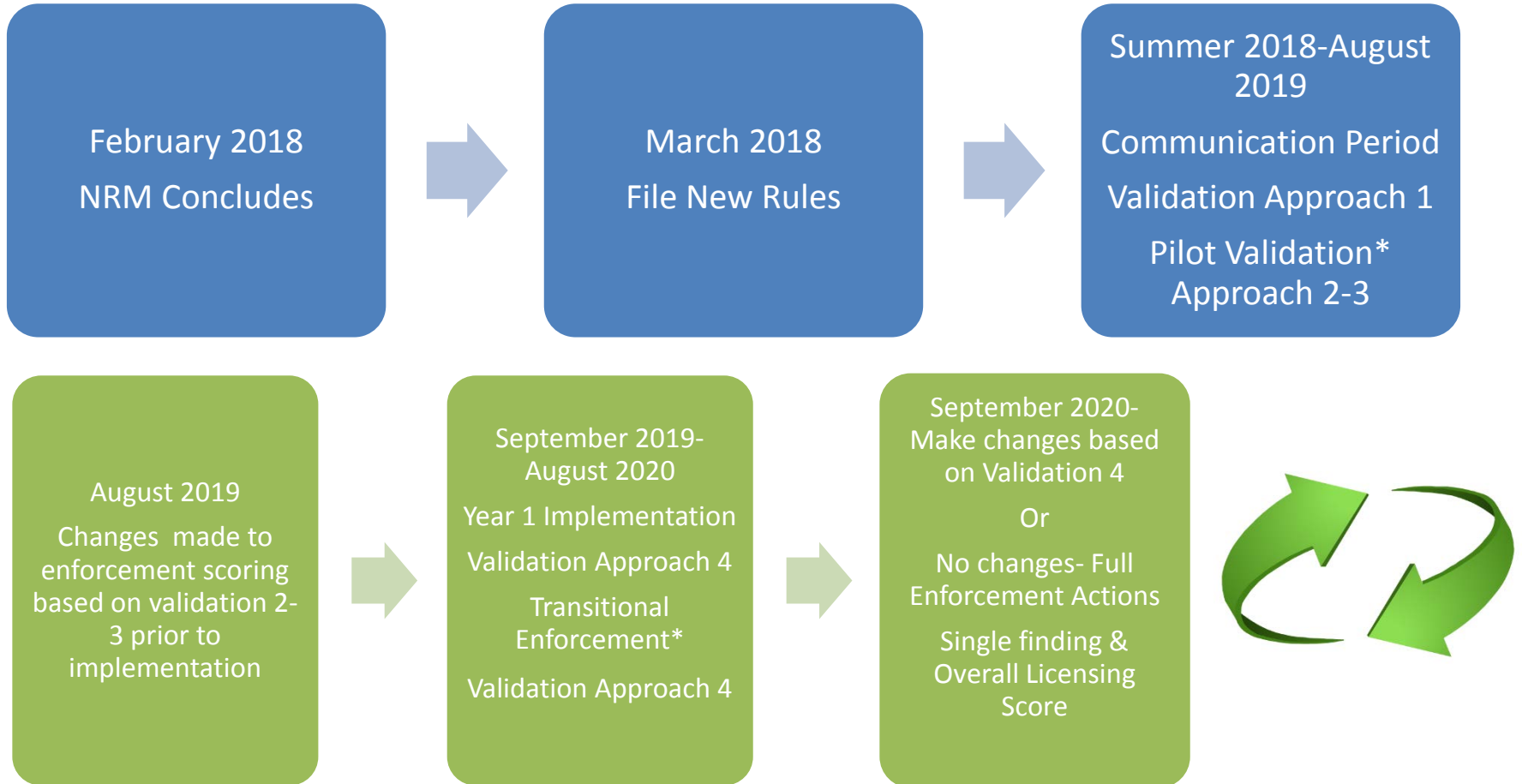
Single Finding Score – Compliance and Enforcement Actions					
Extremely Low Risk 3	Low Risk 4	Medium Low Risk 5	Medium High Risk 6	High Risk 7	Extremely High Risk 8
Technical Assistance	Technical Assistance	Technical Assistance	Technical Assistance	Technical Assistance	Deny license
	On 4+ Violations: Civil Penalty	On 3+ Violations: Civil Penalty	On 2+ Violations: Civil Penalty	On 1+ Violations: Civil Penalty	Suspend license
			Safety Plan	Probationary license	Revoke license
				Modify license	
				Suspend license	



Validation Approaches: What does it mean?

Validation Approach	What does it mean?
1 Standards Approach	Does the WAC align with National Best Practices?
2 Measure Approach	Do highly-non compliant programs have higher risk scores while compliant programs have lower risk scores?
3 Output Approach	Are the enforcement actions taken appropriate?
4 Outcome Approach	What does the data say? Are children in low risk programs less likely to get injured?

Tentative Enforcement & Validation Timeline





Washington State Department of
Early Learning



RCW

43.215.005

Finding—Purpose.

(4) The purpose of this chapter is:

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care; RCW 43.215.300 authorizes us to take Enforcement Actions as a way to “safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance”:

43.215.300

Licenses—Denial, suspension, revocation, modification, nonrenewal—Proceedings—Penalties.

(1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the director upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter;

(3)(a) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter