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**CHILDREN, YOUTH & FAMILIES**

Early Learning Advisory Council (ELAC)

**Temporary Licensing Subcommittee Recommendation Tracker**

Oct. 3, 2023

Translation, Interpretation, and Language Access						
	<u>Recommendation</u>	<u>Priority Items for ELAC or PS Work Plan</u>	<u>DCYF Accepted? (yes/no/maybe)</u>	<u>If Yes - How</u> <u>If No/Maybe - Why</u>	<u>Legislative Action Required? (RCW and/or Funding)</u>	<u>Implementation Timeline</u>
1	There should be a process where providers who don't speak any of those specified languages can request translated information and documents in their preferred language.	ELAC	Yes	<ul style="list-style-type: none"> <li>(Update) For the process for providers to request translations, Licensing has created a one-page reference instruction manual in multiple languages. They will begin including it with any legal letters sent to providers. Also looking for additional ways to make the information accessible.</li> <li>(Update) Making improvements to the way that Licensing collects data for language access needs data. Working with partners on the Spanish and Somali translation needs, as well as Child Care Aware. They are looking to create a Glossary of Shared Terms they can all work from and be very intentional with the way they gather this data.</li> </ul>	Yes - funding	



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				<ul style="list-style-type: none"><li>• <b>(Update)</b> New contract with translation services. Providers should start to see how this new contract the changes current workflow.</li><li>• DCYF agrees this is an area for improvement/partnership. DCYF has current budget request/decision package in with Governor’s Office that can be <a href="#">found here</a>.</li><li>• DCYF is also drafting a language access plan report and can share it when final.</li><li>• Licensing is awaiting budget decisions and reviewing data to make plans for quality assurance/improvement projects related to improving language access supports.</li></ul>		
2	The Licensing Division should engage providers as experts in creating a tool, in place of the current checklist, that can be translated and used as a trial run with incoming providers and providers who would like more	<b>PS</b>	Maybe	<ul style="list-style-type: none"><li>• <b>(Update)</b> The following resource, while not in place of the checklist, is also now available for individuals and organizations interested in providing licensed child care, to provide an introductory overview. The document is available in English, Spanish, and Somali languages. <a href="#">Child Care Licensing Overview   Washington State Department of Children, Youth, and Families</a>”</li><li>• The checklist is WAC language, so we cannot create anything “in place of the checklist” without going through the process of changing WAC. Initial checklists can be found <a href="#">on the DCYF page here</a>.</li></ul>	Yes - funding	



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	clarity on what is expected during monitoring visits.			<ul style="list-style-type: none"><li>• However, if the need is for additional resources that describe the monitoring process, then we have additional questions as to what kind of document would be useful (e.g. one-pager?)</li><li>• Licensing would like to explore the data needs for pro-active translation budgeting and discuss the challenge of finding and ensuring quality translations the Guidebook (recommendation below), as a potential solution to the need for more clarity for providers. This can be part of the DCYF language access planning (see #1 above).</li></ul>		
3	Providers should be able to request a hard copy of the Child Care and Early Learning Licensing Guidebook in English, Spanish, Somali, Arabic, Chinese (simplified), and Russian, free of charge for each classroom in the program and administration.		Maybe	<ul style="list-style-type: none"><li>• See #2 above</li><li>• In addition, the Guidebook is regularly updated online and this would need to be incorporated into any planning to provide printed copies. Licensing does have concerns that because the Guidebook is updated routinely, the cost and need to send updated version would be ongoing and/or we may end up with outdated versions being used by Providers.</li></ul>		



Transparency and Trust						
	<u>Recommendation</u>	<u>Priority Items for ELAC or PS Work Plan</u>	<u>Accepted (yes/no/maybe)</u>	<u>If Yes - How</u> <u>If No/Maybe - Why</u>	<u>Legislative Action Required? (RCW and/or Funding)</u>	<u>Implementation Timeline</u>
4	Schedule quarterly meetings between the Licensing Division, including leadership, and Washington State providers. These meetings should be an opportunity for providers to inform DCYF on what they are facing in the child care sector and include a question and answer session with concrete follow-through on	PS	Yes	<ul style="list-style-type: none"> <li>• (Update) Nicole Rose and Ruben Reeves have been collecting feedback from ELAC and PS to help inform stronger engagement with Licensing.</li> <li>• (Update) Licensing is doing leadership restructuring. Hiring an area administrator for King Co., creates a better regional representation and regional conversations.</li> <li>• Licensing has a representative at PS and is open to adding a standing agenda item for Licensing if that is desired by the PS committee.</li> <li>• With new/changing leadership for the Licensing Division, exploring more opportunities for listening and response is desired. Regions are also exploring outreach and support sessions, subject to COVID restrictions and lingering impacts.</li> <li>• Other statewide meetings with providers exist, such as meetings that include Licensing and SEIU or the CCCA.</li> </ul>		Currently implemented via consistent engagement in ELAC and PS subcommittee



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	unanswered questions.			<ul style="list-style-type: none"><li>Looking forward to continued partnership to bolster the relationships between providers and Licensing.</li></ul>		
5	DCYF should create a call line staffed by licensors, or those with licensing knowledge, to answer providers' questions, including anonymous questions. The call line staff should not just direct providers to their specific licensor, but be able to answer questions consistently with the licensing staff in the field.	PS	Maybe	<ul style="list-style-type: none"><li>Licensing has a legal responsibility to monitor and ensure the safety of children, and this responsibility is paramount. Licensing staff are not currently available for this purpose, and there may be legal and safety risk from the anonymity of these calls, which would need to be explored.</li><li>Licensing is curious what is the underlying need or concern for providers to give these questions to their own assigned Licensor, and can we address that issue with alternative solutions?</li></ul>		
6	Improve the Licensing Division CPS Investigation process by creating as much	PS	Maybe	<ul style="list-style-type: none"><li>Licensing is open to partnering on how to improve communications with providers, while also complying with current requirements and standards for investigations of abuse and neglect.</li></ul>		



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	transparency as possible. Identify a standard for allegations, so that providers are not being investigated without merit. Accusations are put into writing and DCYF provides a redacted copy of allegations to providers.			<ul style="list-style-type: none"> <li>• <b>(Update)</b> In summary, sufficient screening criteria do exist for all CPS, (Child Welfare and Licensing Division), and these criteria must be met in order for an intake to screen into the Department for investigation. One of the criteria is that there is an allegation that “minimally meets the WAC definition of CA/N or it is alleged a child’s circumstances place them at imminent risk of serious harm.” <u>WAC 110-30-0030</u>. These allegations are documented in writing in the intake taken by the Intake unit. They are available to the provider as a part of disclosure at the completion of the investigation.</li> <li>• Applicable WACs   WAC 110-30 and RCW 26.44</li> </ul>		
7	The Provider Supports Subcommittee of ELAC should be a partner in creating the outline of the Licensing Division CPS Investigation process.		No	<ul style="list-style-type: none"> <li>• Licensing Division CPS does not have the authority to change the outline of the investigation process with the Provider Supports Subcommittee.</li> <li>• CPS (both Child Welfare and Licensing Division) follows policy and procedures dictated by RCW, WAC, and changes due to legal outcomes.</li> <li>• Licensing is open to partnering with the Provider Supports Subcommittee on improving communications and support for Providers during investigation processes.</li> </ul>		
8	Providers should get a report of what feedback		Yes	<ul style="list-style-type: none"> <li>• DCYF is working with our community engagement office and across units within</li> </ul>		Currently implemented via



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	influenced policy decisions, funding requests, and programmatic decisions so that they can see how their hard work is affecting DCYF policy.			<p>program teams to provide feedback loops often, such as this one.</p> <ul style="list-style-type: none"> <li>We are committed to providing more information to our advisories on feedback that we are able to act upon, or the reason why we haven't yet or can't act upon other guidance or suggestions.</li> </ul>		this tracker and consistent engagement in ELAC and PS subcommittee
9	Offer a survey so that providers can review the licensor after the licensing visit.		Yes	<ul style="list-style-type: none"> <li>Licensing agrees but will need resources or time to devote staff capacity to this.</li> </ul>	Maybe	
10	DCYF needs to share more information about the Inter-Rater Reliability (IRR) training tool for licensors. IRR should be clearly communicated to providers as optional, and DCYF sends a survey to		Yes and No	<ul style="list-style-type: none"> <li>When IRR was a pilot, we did ask for volunteers from the provider community and communicated it as optional. IRR is no longer a pilot and is now being moved into practice, and the IRR visits are now being done at the provider's regular monitor visit, which is not optional.</li> <li>See #9 above regarding the survey.</li> </ul>		



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providers to evaluate IRR visits.					
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Overregulation						
	<u>Recommendation</u>	<u>Priority Items for ELAC or PS Work Plan</u>	<u>Accepted (yes/no/maybe)</u>	<u>If Yes - How</u> <u>If No/Maybe - Why</u>	<u>Legislative Action Required?</u>	<u>Implementation Timeline</u>
11	Licensors should be trained in expectations from other agencies and able to provide information in writing so that they can be a resource to providers who have questions.		No	<ul style="list-style-type: none"> <li>DCYF does not have the regulatory authority for the requirements or expectations of other agencies, and must refer providers to the entities and agents with the appropriate scope of authority.</li> </ul>		
12	Build in a growth period for incoming providers who wish to be licensed, with		Maybe	<ul style="list-style-type: none"> <li>The Initial License period(s) is considered by Licensing as a growth period, where the requirements are all still regulated to and that providers are becoming proficient at meeting and maintaining those rules. "First time forgiveness" is a process by which that growth period is honored</li> </ul>		





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	gradual requirements.			and the first incident of non-compliance to WAC is not noted in the reports on child care check, so that information remains private to the provider and Licensing. Open to partnering on messaging or if this process does not meet an underlying need for this recommendation.		
13	Establish clearly defined timeline goals. Assign a licensor as a technical support representative and a current provider as a mentor.			<ul style="list-style-type: none"> <li>• Please see #12 above.</li> <li>• Additionally, Licensors provide technical assistance as part of the initial licensing and ongoing monitoring practices.</li> </ul>		
14	Create a stipend program for mentor organizations to assist new providers. Basic health and safety needs should be in place upon opening a new center (First Aid/CPR, Food Handler Card,		Maybe	<ul style="list-style-type: none"> <li>• DCYF has limited funding and capacity to contract for mentor organizations to assist new providers, currently that is limited to family home providers only, based on funding stream.</li> <li>• It appears this suggestion would like a 'one-stop' approach to the health and safety requirements for center staff. DCYF has a unique opportunity through our PDG grant to explore some of these possibilities, watch for more to come on informing this approach.</li> </ul>	Yes for funding.	



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	background checks).					
15	Professional development and education should be a very gradual requirement unless concerns are raised.			<ul style="list-style-type: none"><li>• This is in licensing WAC – they have a progressive timeline. <a href="#">WAC 110-300-0100</a>.</li></ul>		
16	Eliminate unnecessary training and education requirements that may not be necessary to successfully perform the job and do not align with staff compensation. DCYF should only require minimum safety standards, and identify other avenues for recognizing and incentivizing			<ul style="list-style-type: none"><li>• Individuals who complete education that goes beyond their staff qualifications may qualify for an education award.</li><li>• Early Achievers provides higher tiered reimbursement rates and access to Quality Improvement awards to eligible sites that go above and beyond the foundational quality standards of licensing and earn a quality level 3 or higher.</li><li>• Professional development standards in Early Achievers offer sites the opportunity to earn points toward a higher quality level.</li></ul>		



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	providers who go above and beyond.					
17	DCYF should eliminate mandates that do not come with funding for providers. The costs for unfunded mandates are passed on to families or absorbed by providers through low wages and few, if any, benefits.	ELAC				
18	Required trainings should qualify for STARS hours and DCYF should create a stipend system for substitutes who fill in for staff attending training.		No	<ul style="list-style-type: none"> <li>• Most required trainings qualify for in-service hours (STARS hours), such as Child Care Basics or EQEL for example.</li> <li>• The ones that do not are ones that are considered health and safety requirements that are outside of DCYF oversight, but required for health and safety requirements (ex: CPR, First Aid, Food Safety).</li> <li>• Here is information about the substitute pool</li> </ul>	Yes for funding re: more substitutes	



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				<a href="https://www.dcyf.wa.gov/services/earlylearning-profdev/substitute-pool">https://www.dcyf.wa.gov/services/earlylearning-profdev/substitute-pool</a>		
19	Notify providers that a licensing visit will take place within 30-60 days.	PS	No	<ul style="list-style-type: none"> <li>During the Temporary Licensing Subcommittee of ELAC in 2022, DCYF reached out to the Administration for Children and Families (ACF) to see if this was allowable under Child Care Development Fund (CCDF) regulations, however the response from the Federal Government is that this is not allowed.</li> </ul>		
20	Separate violations that are against an individual (employee) from true violations or complaints against the facility.					
21	Violations directly related to a staff person should follow that staff and be viewable by other potential employers.		Yes	<ul style="list-style-type: none"> <li>If a violation by a staff person impacts their background check, they would not be allowed to work in other facilities.</li> </ul>		This is already in practice
22	Eliminate the emergency WAC around reporting openings.		Completed	<ul style="list-style-type: none"> <li>This has been done. Providers can still indicate their openings but it is no longer required. It is a tool they can use to help parents looking for care to</li> </ul>		Implemented



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				know they have openings and for what age groups.		
23	Ensure staff members' full names are not listed in Child Care Check to protect employee privacy.			<ul style="list-style-type: none"> <li>• (Update) DCYF confirmed with Reg. 10 (Feds) and received confirmation that the full name is not required in the notes that end up on Child Care Check.</li> <li>• (Update) Licensing is reviewing the current practice to make adjustments to this workflow.</li> </ul>		

Compensation and Provider Supports						
	<u>Recommendation</u>	<u>Priority Items for ELAC or PS Work Plan</u>	<u>Accepted (yes/no/maybe)</u>	<u>If Yes - How</u> <u>If No/Maybe - Why</u>	<u>Legislative Action Required?</u>	<u>Implementation Timeline</u>
24	Use Quality Improvement funds to support the Early Achievers Review Process and develop a different avenue to demonstrate quality child care to receive subsidy, not Early Achievers as the only option.	PS	No	<ul style="list-style-type: none"> <li>• Needs Based Grants and the 2% tiered reimbursement while participating in Level 2 are meant as resources to support providers in readying for rating.</li> <li>• State law requires sites to participate in Early Achievers in order to be eligible to accept state subsidies. <a href="#">RCW 43.216.135</a></li> </ul>	Yes – QI Awards and Early Achievers are <a href="#">in law</a> .	



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25	Look at all of the Early Achievers requirements with an equity lens.	ELAC		<ul style="list-style-type: none"> <li>The Early Achievers revision process brought the latest in-depth review of Early Achievers with an equity lens and re-designed the way providers interact with Early Achievers quality rating cycle. This includes a provider-led approach to sharing about their early care and education environment, as well as opportunities to build quality over time. DCYF has incorporated the use of the Racial Equity and Social Justice framework over the years and used that in the revisions process as well.</li> </ul>	More improvements would require funding	
26	To incentivize all providers to accept WCCC subsidies, DCYF should increase subsidy payments to 100% now and identify a goal for family participation.	PS		<ul style="list-style-type: none"> <li>Funding for rates is determined by the legislature. <a href="#">The legislature currently caps rates at the 85<sup>th</sup> percentile.</a> The 85<sup>th</sup> percentile means that 85% of all child care slots have a private rate less than or equal to the subsidy rate.</li> </ul>	Yes	DCYF is in process of transitioning rates from a market rate survey to a cost of quality care model. DCYF expects to provide a recommendation to legislature in the 2025 session.
27	To meet the FSKA goal of increasing provider participation in WCCC subsidies, we recommend eliminating participation in Early	ELAC	No	<ul style="list-style-type: none"> <li>State law requires sites to participate in Early Achievers in order to be eligible to accept state subsidies. <a href="#">RCW 43.216.135</a></li> </ul>	Yes. Early Achievers participation and rating requirements are in law.	



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	Achievers as the requirement to serve children on WCCC subsidies.					
28	We recommend making Early Achievers voluntary. In addition, WCCC rate increases for those who achieve Early Achievers ratings of 3-5 should remain, and fund the rate increase for level 3.5, as already mandated.	ELAC		<ul style="list-style-type: none"> <li>State law requires sites to participate in Early Achievers in order to be eligible to accept state subsidies. <a href="#">RCW 43.216.135</a></li> <li>There is no mandate for a rate increase at 3+, only the creation of that level. <a href="#">RCW 43.216.085</a> (4) (a)-(b)</li> <li>Tiered Reimbursement is in law <a href="#">RCW 43.216.135</a> for Levels 3, 4, and 5.</li> <li>Family Home Child Care Tiered Reimbursement rates are negotiated by SEIU 925. FCC providers do receive a higher tiered reimbursement rate at 3+</li> </ul>	<p>Yes. Early Achievers participation and rating requirements are in law.</p> <p>Yes. Funding needed if change in tiered reimbursement rates for level 3+.</p>	
29	DCYF also needs to make funding more equitable between regions, as identified in the Cost of Quality Care study commissioned by the Legislature through the Child Care	ELAC	In Process	<ul style="list-style-type: none"> <li>DCYF is in process of examining the rate regions as required under <a href="#">RCW 43.216.749</a></li> </ul>	<p>Legislative action is needed to fund the cost of quality care rate model once submitted.</p>	<p>DCYF expects to provide a recommendation to legislature in the 2025 session.</p>



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	Collaborative Task Force.					
30	MERIT needs to be fixed to better support providers.			<ul style="list-style-type: none"> <li>We have a new training site coming. DCYF will continue to share information in the Workforce Growth, Quality, and Recognition Team (former Professional Development Team) newsletter. We are also hosting webinars to share tips on how to access and navigate the new site. <a href="#">You can find more information here.</a></li> </ul>	Yes	DCYF's new training site will launch in 2023
31	Increase supports for providers to allow more guidance and accessibility to become licensed.		Yes	<ul style="list-style-type: none"> <li>DCYF is also interested in providing visibility to the services that are available for providers, and working to get providers support as they become licensed.</li> <li>DCYF has some supports in place through both DCYF internal licensing division and some limited contracted capacity.</li> </ul>	Yes	
32	Make licensing requirements more achievable by focusing only on the health and safety of children and fund any additional requirements. Should this recommendation	PS		<ul style="list-style-type: none"> <li>More partnership requested</li> </ul>		





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	be adopted, we further recommend that any new licensing rules that may have a financial impact should also be supported with funding from DCYF.					
33	Develop a new team within DCYF solely focused on unlicensed care, which would include imposing fines/fees for the operation of unlicensed care facilities, notification and education to families (unlicensed care campaigns), scouting unlicensed care, etc.					
34	Require all care of children, regardless of hours provided, in Washington State to be licensed and follow the same rules	PS	No	<ul style="list-style-type: none"><li>State law details which child care and early learning programs are required to be licensed by DCYF. <a href="#">RCW 43.216.365</a> states that any “agency” operating without a license is guilty of a misdemeanor. <a href="#">RCW 43.216.010(1)</a> broadly defines “agency” to mean</li></ul>	Yes – Legislative action required	



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	<p>and regulations of DCYF.</p> <ul style="list-style-type: none"><li>If exemptions are allowed, a registry of license-exempt facilities and providers needs to be created, including an application process, Mandated Reporter training, CPR/First Aid training, and background checks. The registry should be updated and maintained regularly and made publicly available.</li></ul>			<p>“any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home.” However, there are several exemptions to this broad requirement. <a href="#">RCW 43.216.010(2)</a> lists 13 types of care that are not required to be licensed by DCYF. Accordingly, programs that fall under these exempt categories can provide child care and early learning services without a DCYF license. State law would need to change to accomplish the workgroup’s recommendation that all children, regardless of hours provided, in Washington state be licensed and follow the same rules and regulations of DCYF.</p>		
35	<p>A Provider Rights and Resources document should be created by</p>		<p>Maybe</p>	<ul style="list-style-type: none"><li>As this specifically requests an outside organization, uncertain which DCYF division would lead, if at all.</li></ul>		



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	an outside organization utilizing the Liberatory Design process in partnership with DCYF, Provider Supports, ELAC, WCCA, represented and non-represented family home providers, FFN, WCFC, etc.					
36	A status update on the Internal Review Panel process, for which some providers applied, and were selected to join, but have yet to be contacted, should be provided to ELAC, who we recommend determine accountability measures. Quarterly updates should be provided to all providers and ELAC.		Yes	<ul style="list-style-type: none"><li>• (Update) Licensing will provide a Community Review Panel update at the Aug. 9 meeting.</li><li>• A subcommittee of members of the DCYF Oversight Board reviewed and selected a number of providers for the IRP roster in March of 2021. As of now, there have not been any cases that have elevated to the request of an IRP review. DCYF is in the process of organizing the panel to prepare for future cases, and will provide updates on panel activity as it becomes available. DCYF requests further clarification on ELAC's request to determine accountability measures.</li></ul>		Timeline of available updates will be determined based on cases reviewed by the panel.



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37	The Rule Making Process should have a step-by-step guide so that providers are made aware of the process, including how to appeal a decision or submit a petition. Recognizing the urgency, the step-by-step guide should be available by March 31, 2023.	PS	Yes	<ul style="list-style-type: none"><li>• As part of the ongoing integration of DCYF and a recent restructure, a Rules and Policy Integration and Improvements Project (PRIIP) workgroup.</li><li>• This work is ongoing, and the feedback from the Temporary Licensing Subcommittee has been shared and incorporated into the draft recommendations. Monthly meetings between the RPU and Community Engagement team have been scheduled for ongoing collaboration and updates.</li><li>• In the meantime, the following resources are available on the rulemaking process:</li><li>• To adopt rules (also known as Washington Administrative Code, regulations, or WAC) all Washington state agencies must follow steps that are described in the <a href="#">Administrative Procedure Act</a>. DCYF rules may be found in <a href="#">Title 110 WAC</a>.</li><li>• Information on Petition and appeal can be <a href="#">found here</a>.</li><li>• Subscribe to the rule-making newsletter on the DCYF website <a href="#">here</a></li><li>• A draft info sheet on the rulemaking process can be <a href="#">found here</a>. Please note that this is a draft document, and a final document will be available once</li></ul>		Implementation of the finalized recommendations is expected to begin in Q1 of 2024.
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				the work of the PRIIP workgroup concludes.		
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