



Fair Start for Kids Act (FSKA) Temporary Licensing Subcommittee of the Early Learning Advisory Council (ELAC) Meeting Minutes

March 16, 2022 – 9:00 am to 12:00 pm
Virtual Meeting

Welcome, Virtual Meeting Protocols, Meeting Agenda Review and Introductions

DCYF Deputy Director of Community Engagement Deanna Stewart welcomed attendees and walked through virtual meeting protocols. Attendees reviewed the meeting agenda, and participated in introductions and a word cloud activity.

DCYF Licensing Division Investigation Process

DCYF Statewide Licensing Administrator, Travis Hansen and DCYF Senior Administrator Licensing Division Child Protective Services (CPS)/Safety and Monitoring (SAM), Ron Effland provided an overview of the DCYF Investigation Process within a licensed center or family-home. Members had an opportunity for a Q&A and provided feedback.

- [DCYF Licensing Division Investigation Process Presentation](#)
- [DCYF Licensing Division Investigation Process Discussion Question Responses and Feedback](#)

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| Discussion | <ul style="list-style-type: none"> • Interesting to see unlicensed care listed. I have reported unlicensed centers in my area a few times. They still operate full time, unlicensed. <ul style="list-style-type: none"> ○ If there are those cases, let us know and we can do some follow up work on it. We definitely want to deal with these unlicensed situations. • Is it a Revised Code of Washington (RCW) or Washington Administrative Code (WAC) not to give a written copy of an allegation to the provider? <ul style="list-style-type: none"> ○ We would need to follow up exactly whether something is an RCW or WAC. • Is there a process in place to establish exempt status as opposed to determining a provider is licensed? <ul style="list-style-type: none"> ○ No, that process does not exist. • What about those who claim they are exempt, but are unlicensed? <ul style="list-style-type: none"> ○ Unfortunately, we don't have enough information. We are only addressing the ones we get information from and that land on our desk. • Allow providers to become partners with DCYF in this process. • Is it required that the investigation be in the provider's home language? <ul style="list-style-type: none"> ○ CPS will arrange for an interpreter to be present for that interview if someone requested one. • How does the non-speaking English person know they have the right to an interpreter? <ul style="list-style-type: none"> ○ The person being investigated is asked if they would like an interpreter. • Would be great for providers to have a "Bill of Rights" per say so we know what our rights are. • What is the difference between a request and what is required? <ul style="list-style-type: none"> ○ When we get an allegation of abuse and neglect CPS has the authority to all the information per the RCW. • Where does that information live? <ul style="list-style-type: none"> ○ There is a section in that RCW that speaks to records. You can find more information here. I can do some follow up for you too and look further into that and talk with the Attorney General's (AG) office and Travis Hansen. • Can you please reference the "AG" you will be speaking with? |
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- We will connect with the AG's office and can let you know who we speak with and work with.
- It is not required by law to have videos.
 - We will follow up on that and I think this group will have some recommendations on that.
- I'm currently in the middle of this, and CPS over reached and has asked for our model number of our cameras because the parents think we're "lying".
- Wondering, does CPS have the same latitude to ask for records with public school's investigations?
 - CPS does not do investigations in schools. We do not have legal authority to do that.
- The background check for public school teachers is also different than child care. As I understand it, not as thorough.
- Investigators are supposed to let providers know why they are investigating and what the complaint is. This is our right to know what allegation language came in.
- This conversation is exactly why discussions with CPS is so important.
- Is there a process in place for those who call in false allegations? Anyone can say anything to defame a childcare center or staff member. Short of taking legal action, which many providers may not know how to go about it, what is the state going to do about this very real problem?
 - If we have already addressed a concern and we keep receiving calls about the same concern, we do have the option to screen that out. We do not have a process in place to stop from those false allegations from coming in. A lot of calls are anonymous.
- When you feel like you are fighting licensing and CPS, it is stressful. The lack of trust with DCYF and providers has been ongoing for years. We feel like we are on this hamster wheel and are making no progress.
- Professional trust is essential for effective and efficient collaboration.
- What is the protocol for a provider to request records and the difference between licensing and CPS investigations?
 - A licensing investigation may be different from a CPS investigation. We will follow up on this with you and encourage this to be a recommendation. It sounds like this is not clear at this time and it seems like a fair question to know the protocol for this. It sounds like there may be confusion over roles with licensors and CPS investigations.
- A licensor or CPS worker should have to complete an application on what they will be looking for or investigating based on a complaint or allegation and give that to the provider before entering the center or facility.
- When we get a CPS intake, within the allegations there is a possible crime. We send that to law enforcement. Law enforcement takes the lead on that investigation. CPS would not go out to get any further information gathering until law enforcement gave us permission.
- What is the role of the agency when it comes to Human Resources (HR) process with licensors?
 - If the staff is saying one thing to HR and then another thing to the CPS investigator that contradict each other - that is when there can be an issue and that makes it very cloudy.
- Going through this process, I found out photos, videos and recordings don't even matter. There definitely needs to be a re-work of this process. Once we are accused of something in child care we are out of there and it is traumatic.
- Investigators are supposed to let providers know why they are investigating and what the complaint is. This is our right to know what allegation language came in.
- I respect the licensors and investigators but they all have "their own way" of doing things. We have only had a couple of experiences with this and it was difficult for us and the parents.
- Most people can't afford a good attorney to go against the AG.



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| | <ul style="list-style-type: none"> • Some licensors can handle the provider questioning why something is being requested. Others become adversarial in that situation. • We only take a staff out of a center because we need to investigate more information for immediate safety concerns. We do take into account how this is a hardship for staff and their family, providers and children. • Is a safety plan what DCYF puts in your own writing? Is it a joint effort with the agency and child care provider? <ul style="list-style-type: none"> ○ Sometimes, it is a joint effort and can be a conversation or it needs to be the agency. |
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Inter-Rater Reliability (IRR)

DCYF Workforce Initiatives & Project Administrator, Heather West provided information on IRR and gave members the opportunity for a Q&A and collected feedback.

- [IRR Presentation](#)
- [IRR Discussion Question Responses and Feedback](#)

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| Discussion | <ul style="list-style-type: none"> • It sounds like IRR has switched from being a voluntary participant to now it might just happen to anybody? <ul style="list-style-type: none"> ○ Yes, that’s correct. Back in 2018 when we started looking at how to frame the work, we did seek out volunteers from out in the field. We are using it much like in a child care program, you pair a new teacher with a child care teacher to shadow, learn and observe. We are pairing a secondary licensor with the licensor conducting the monitor visit. • Is there an opt out for people who don’t want IRR to be part of training for another licensor in their center? <ul style="list-style-type: none"> ○ Yes, there is. You can’t opt out of your monitor visit, but if you don’t feel comfortable with that training taking place in your center and having a secondary licensor/trainee present, you can talk with the staff and let them know and the trainee can partake in the training process with another program, or center. The IRR training would only take place during a monitoring visit. • Licensing visits are unannounced, so most providers would not feel comfortable or even know they can “opt-out” of a trainee being on-site. How and when do you recommend this conversation to occur? <ul style="list-style-type: none"> ○ Great question. For example, we are back to the unannounced in person monitoring visits and you have two licensors show up. That conversation should happen when you first meet with them. The IRR training exercise would be shared and the secondary person would be introduced and if the provider would not like that to occur then they would not enter the facility. • How do other providers know this is occurring who aren’t in this meeting and are aware they can opt out of having the second licensor present? <ul style="list-style-type: none"> ○ That is a great idea: look into having some type of statement to provide in those situations and in one’s native language. Currently, it happens more so in the initial conversation with the provider and the licensors onsite before the monitor visit occurs. During the pre-call before the visit, we can have this mentioned too. • We should include this component in our recommendation for the written protocols for providers to be aware of. • What would be a good way to share this information out? <ul style="list-style-type: none"> ○ Washington Communities for Children would be a great organization to partner with to help get this information out in the community. • The second licensor on site could have an impact on your monitoring visit. How is that being captured if both licensors go back to the office and the secondary person shared what they heard or saw in the center? I am concerned that the secondary person would have influence over that licensor’s work and documentation. |
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| | <ul style="list-style-type: none">○ They don't create any documentation that would go in the licensing record. |
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Closing Remarks/Adjourn

- [Meeting Reflection Question Responses and Feedback](#)

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| Next Steps/Follow Up | <ul style="list-style-type: none">• The next Fair Start for Kids Act Temporary Licensing Subcommittee meeting will be on April 13, 2022 from 1:00pm-4:00pm. |
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