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RISK MANAGEMENT
DIVISION

STATE OF WASHINGTON
DEPARTMENT OF EARLY LEARNING

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October 2, 2007

Mr. Victor A. Moore, Director
Office of Financial Management
Post Office Box 43113
Olympia, Washington 98504-3113

Dear Mr. ~~Moore~~: *Victor,*

Washington's parents must be able to trust that a child care license equates to minimum health and safety standards. The Department of Early Learning (DEL) was established on July 1, 2006 as a cabinet level agency charged with integrating and consolidating some of Washington's early learning programs and services, including child care licensing. DEL's mission: "together with parents and partners, we offer children world-class learning opportunities so they reach their full potential" seeks to capture visionary expectations that Washington's children are highly valued and deserve safe, healthy, quality child development experiences so that they are best prepared to succeed in school and life.

As you are aware, the Department of Social and Health Services, Economic Services Administration's Division of Child Care and Early Learning was accountable for child care licensing activities in the state at the time of the incident in January 2004. Because the regulatory responsibility for child care licensing was transitioned to the new department, DEL is responding to the Loss Prevention Review Team's (LPRT) report.

When DEL was established, the Department received no new resources for child care licensing policy and practice, nor had a comprehensive evaluation of the child care licensing system occurred. Thus, DEL welcomed the opportunity to consider the LPRT's recommendations for quality improvements to the state of Washington's child care licensing system. DEL is grateful for the thorough analysis of the three-member LPRT as well as the work of your loss prevention team program staff.

Enclosed, you will find DEL's response to the LPRT's nineteen recommendations. The Department formally requests that the Office of Financial Management post DEL's response along side the posting of the Loss Prevention Report. Should additional information be needed, please do not hesitate to contact DEL's Deputy Director, Dr. Amie Lapp Payne at (360) 725-4669.

Sincerely,

Jone M. Bosworth, JD
Director

Enclosure

cc: Drew Zavatsky, OFM Loss Prevention Program Coordinator



**Department of Early Learning
Response to Loss Prevention Review Team
Report and Recommendations
October 2, 2007**

INTRODUCTION

The Department of Early Learning (DEL) was established on July 1, 2006 through legislation and a governmental merger of staff from the Department of Social and Health Services (DSHS) Economic Services Administration's Division of Child Care and Early Learning and the Department of Community Trade and Economic Development's Early Childhood Education and Assistance program and an elevation to the Governor's Executive Cabinet level.

DEL is a hybrid – most “start up” organizations grow organically, putting systems in place as growth warrants. In DEL's case, child care licensing and all the early learning services and programs that came with the establishment of the cabinet-level agency were combined swiftly with significant increases in investments to early learning in Washington. On July 1, 2007, DEL became a “stand alone” agency with its own budget and fledgling infrastructure. As the Office of Financial Management's Loss Prevention Report reflects, DEL inherited a child care licensing system that needs significant attention, a comprehensive continuous quality improvement plan, and likely future investments to best fulfill the regulatory responsibility for ensuring that minimum health and safety is present in Washington state's licensed child care facilities.

With the creation of a new department, no additional or new resources specifically allocated for child care licensing policy and practice improvements were provided. However, DEL has approached improvements using existing resources through evaluations, studies, the creation of new performance measures, development of new policies, execution of contracts that form new or enhance traditional partnerships, the infusion of new staff with early childhood, licensing, child welfare and children's behavioral health expertise to serve in key leadership roles; and reallocation of resources targeting technological solutions that will support licensing staff and ensure a higher degree of accountability.

While no new resources were allocated for child care licensing, DEL is grateful to Governor Gregoire and the Washington State Legislature for funding new initiatives to strengthen the state's early learning system that encompasses child care facilities. DEL is particularly grateful to Governor Gregoire for allocating just under \$200,000 of the Emergency Fund to DEL for the purchase of technology solutions to support the agency's work and its accountability.

CURRENT CHILD CARE LICENSING STATUS

In September 2007, there were seven thousand four hundred and eighty-seven (7,487) active child care licensed facilities in Washington, of which 5394 were family home child care licensees. As the point-in-time chart (September 21, 2007) below depicts, licensors for family homes carry an average caseload of 100 facilities that receive a minimum of one monitoring visit every eighteen months.

Raw Numbers

Region	Center Licensors	Home Licensors	Supervisors	SAMS	Centers	Homes
E	7	18	5	1	503	1818
NW	14	21	6	1	934	2132
SW	11	15	5	1	656	1444
State	32	54	16	3	2093	5394

Ratios

Region	Centers/ Licensors	Homes/ Licensors	Supervisors/ Licensors	SAMS/ Lic Staff
E	71.9	101.0	5.0	30.0
NW	66.7	101.5	5.8	41.0
SW	59.6	96.3	5.2	31.0
State	65.4	99.9	5.4	34.0

With the capacity to serve approximately 174,000 children in licensed child care homes and centers, DEL considers child care licensing a critical cornerstone of the broader early learning system in Washington state. Child care licensing serves as the baseline from which enhanced quality may be built to support children's development and educational success.

OVERVIEW OF DEL STRATEGIC IMPROVEMENT ACTIONS TO DATE

Since DEL's creation, the agency has demonstrated its commitment to evaluating and improving the state's early learning system. DEL has taken a strategic approach – DEL's vision of creating an internal comprehensive quality improvement system depends upon getting the "right people with the right resources and training in the right jobs doing the right thing at the right time." DEL has just begun. With respect to child care licensing, DEL's goal is for Washington parents and the public to have confidence that when children are in licensed child care, they are safe, nurtured, having fun and learning so they are poised to succeed in school and life.

DEL recognizes that it was created, in large part, to increase the visibility and importance of early learning. In addition, DEL's creation gives Washington the opportunity to decrease the state's liability by significantly improving how child care and other state investments in early learning are focused. Governor Gregoire has said that "business as usual" is not good enough for Washington's parents and children and DEL heartily

agrees. Consequently, some of the strategic improvement actions since the creation of DEL that involved parents, partners and the all-important child care licensing system include:

Licensing

- A contract with the National Association for Regulatory Administration (NARA) to complete an analysis of Washington State's child care statutes, policy and procedures manual and licensing requirements, as well as licensing practice and workload study related to efficiency and national "best practices."
- A contract for an independent consultant to examine the steps and business processes for child care licensing.
- An initial Feasibility Study for an Early Learning Information System (ELIS).
- Technological solutions such as a background check application, "drillable" licensing dashboards that show licensor adherence to regulatory timeframes, monthly licensor reporting tools, daily updated caseload management reports, licensing reports, workload diary application (to support the workload study) and an initial internet site that will be enhanced to provide parents with child care information.
- Application for and receipt of a Bill and Melinda Gates Foundation grant in the amount of \$806,500 to conduct a cross-system information technology map for the public sector agencies impacting children and the K-12 system.
- A Memorandum of Understanding (MOU) with the Department of Social and Health Services to use FAMLINK, the developing child welfare information system as an interim system solution for data and caseload management.
- Replacement of outdated and out-of-warranty computers around the state and Service Area offices. Licensors have been given tablet personal computers to set conditions for a mobile workforce and begin movement toward a paperless system.
- Purchase of hand held devices (blackberries) for licensing supervisors to increase their ability to support licensing staff.

Community Outreach

- A DEL Parent Advisory Group that reviews policies and gives input into decisions by the agency. Parents from the group have also been appointed by Governor Gregoire to serve on the Early Learning Advisory Council established through legislation July 1, 2007.
- Inclusion of parents and licensees on DEL hiring panels, especially for key leadership positions.
- A contract for a statewide "Parent Needs and Desires" Assessment that includes surveys, polls, focus groups and interviews with at least 1,000 parents.
- A contract for external communications to support reaching parents, especially those with highest needs, with information on early learning for their children.
- Creation of a DEL internet site to reach parents and partners.
- A more transparent set of public disclosure criteria for the agency and initial training (one Service Area completed) so that parents and the public can access child care records more quickly and obtain more information.

- Phased studies of child care subsidies to ensure that Washington's working families receive continuity of care and support for self-sufficiency; Phase I is completed and Phase II has just been launched.
- A request for proposal (out October 1, 2007) for the design of a "Quality Rating and Improvement System" focused on improving the information parents can access about early learning settings and the quality of education and care provided within Washington's early learning settings. Pilot implementation begins on July 1, 2008, for up to five communities.
- A Collective Bargaining Agreement with SEIU 925 that includes rate increases for licensed family homes providers as well as exempt family, friend, and neighbors (FFN) caring for children that receive subsidies.
- Partnership with Thrive by Five Washington, the Early Learning Fund to support increased literacy and information for parents and the public about early learning, its return on investment potential, and quality in child care settings.
- Continuation of a contract with Child Care Resource and Referral to administer Washington Scholarships for Child Care Professionals and to provide technical assistance to child care licensees.
- Development of a Child Care Resource and Referral contract for the new resources appropriated by the Washington State Legislature targeting third-party evaluation of services provided such as training for child care licensees and information to parents especially those accessing child care subsidies.
- Continuation of a contract with the Washington Association for the Education of Young Children to offer scholarships to child care providers who take the required 20 hours of basic training and the 10 hours of on-going training.
- Continuation of a contract with community and technical colleges to continue the Building Bridges initiative that allows for licensees to take college level courses at convenient times and places with on-site coaching and courses available in English, Spanish and Vietnamese.
- Continuation of a Healthy Child Care Washington contract with the Department of Health for child care consultation to licensed child care providers serving infants and toddlers; the contract also supports the statewide Healthy Child Care Conference.
- Continuation of a contract with Schools' Out Washington for technical assistance and support for school-age child care accreditation.
- Increased the Career and Wage Ladder program that gives pay increases to staff at participating child care centers as they increase their educational levels.
- An MOU for the Child Care Apprenticeship Program that provides a way for people to begin working in the child care field and earn college credit for both workplace experience and community/technical college courses.
- Development of a "child care consultation" pilot program that will offer assistance to licensees on behavioral health issues; Georgetown University is partnering with DEL to evaluate pilot efforts.
- Partnership in a grant proposal to the Bill and Melinda Gates Foundation for funding of an educational program for licensees that are English language learners in the Kennewick area.

Training Initiatives

- An internal classification study is being conducted to assess whether the current “social worker” positions best capture the core competencies needed by child care licensors; DEL is considering whether an early learning specialist classification series would be a better fit.
- A first-ever “retreat” with the assistant attorneys general that provide legal counsel for child care licensing; recommendations for joint action steps were generated from the meeting – the primary of which was that DEL needs strong internal policies to guide work of child care licensing staff.
- An internal survey of training needs of licensing staff that found the legal process and use of technology were staff’s two highest needs; planning for a comprehensive training program has begun.
- Exploration of DEL becoming a pilot site for testing a developing NARA online academy-based training for child care licensors that leads to certification.
- Contact with the Chief of the Administrative Law Judges to begin conceptualizing training for judges and licensors.

Enforcement

- Implementation of a *Washington Learns* and DEL priority around regulations that “make sense” began through Negotiated Rule Making (NRM) on Family Home Child Care. NRM was established by the Washington Legislature to bring DEL and “affected” parties together to reach agreements on the rules.
- DEL has prioritized “weighted” regulations as a primary outcome of the NRM consensus-oriented process.
- Establishment of a DEL/DSHS Division of Licensing Resources/Child Protective Services workgroup to develop a new Service Level Agreement on how assessments of referrals for child abuse and neglect in licensed facilities will be conducted and, importantly, concluded with appropriate action.
- Creation of over 30 new performance measures as required by the Joint Legislative Audit Review Committee and various executive branch and auditing/accountability entities; many of the new measures pertain directly to child care licensing.
- Development of new internal policies, especially around use of waivers and decision-making for licensing actions, are in draft stages with an accelerated timeframe for completion possible as new staff are hired that have experience with continuous quality improvement processes and policy development.

Again, DEL has just begun. DEL’s initial steps above have been designed to lay the foundation for systemic improvements and DEL welcomed the Loss Prevention Review Team’s recommendations as a vital addition to the evaluation of what can be improved to support Washington’s commitment to a world-class education system for its most precious resource, its children.

RECOMMENDATIONS AND RESPONSES

DEL has carefully reviewed and considered the LPRT's report and recommendations and provided concise responses below. As the LPRT noted, its nineteen recommendations are in four interconnected service areas. In accordance with statute, DEL's responses indicate recommendations that the agency hopes to implement and when explicated noted, whether DEL anticipates that implementation may require additional funding or legislation. It is important to note that because DEL has initiated many quality improvement activities prior to receipt of this report, in many instances analysis of the LPRT's recommendations will occur together with results of the evaluations and studies that DEL has launched independently.

Recommendation 1: Separate the licensor and enforcement functions.

Response: DEL is unable to concur with this recommendation at this time, however DEL will analyze this recommendation in conjunction with:

- The NARA report and recommendations that includes national child care licensing "best practices" review, state workload study, review of regulations and statutes; and,
- The independent consultant's report tied to licensing business process and performance measures.
- Analysis of the proposed NARA training program for child care licensors.

The NARA and independent consultant reports will be received by DEL in the fall of 2007. DEL will balance consideration of this recommendation with other systemic improvements anticipated such as a training program that leads to licensor certification and increased technological solutions that will increase accountability and management oversight of core licensing standards met within timeframes by licensing staff.

To implement this recommendation, additional funding is likely required. For instance, if analysis shows that current caseloads of 100 licensed family homes for each licensor are too high to achieve intended results, DEL will request caseload reductions. Further, if implemented, additional resources for intensive child care licensing training "retooling" and reengineering of business processes are needed.

Recommendation 2: Implement an investigation response tracking system.

Response: DEL concurs with this recommendation.

- In 2004, The Division of Child Care and Early Learning (DCCCEL) created an on-line monthly report. This report gives licensors information about numbers of complaints and the length of time complaints are pending.
- In 2006, DEL created an ongoing "to-do" list as part of the "DEL reporting tool." It allows licensors to keep track of open complaints and is reviewed by licensing supervisors.

- DEL completed a feasibility study for an Early Learning Information System in July 2007.
- DEL is developing internal policy that requires management level review of cases of licensing actions.

DEL's integration with FAMLINK, the state automated child welfare system, will not answer the agencies tracking needs. DEL will need to apply a gap analysis between FAMLINK and DEL licensing requirements to develop a response tracking system. Work cannot start prior to FAMLINK implementation – expected September 2008 – due to lack of specificity and functionality. DEL needs a dedicated Early Learning information system in order to implement an adequate tracking system. Due to the timing of funding and the ELIS feasibility study the agency was required to proceed with the FAMLINK system. FAMLINK will provide the same service as the current CAMIS to the agency requiring DEL to implement ongoing gap analysis and workarounds. Funding for increased technological support for child care licensing and the gap analysis is being pursued.

Recommendation 3: Create additional internal audit procedures.

Response: DEL concurs with this recommendation.

- DEL will create a strategic plan for continuous quality improvements including regular supervisory and peer reviews of documentation quality, analysis of licensing visit frequency, systemic review of cases with repeat violations and better the development of internal agency policy for decision making on waivers and licensing actions such as graduated sanctions. Target date for strategic plan completion: April 2008.
- New management staff at the State Office and Service Area levels have already been hired who have experience and expertise in developing and implementing quality improvement plans, developing and implementing agency policies to increase accountability, and use of technology.

Because DEL was created prior to this report and the conclusion of other studies/evaluations, and no new resources for child care licensing came with the establishment of the agency, it may be that additional resources will be requested to support the Service Areas and State Office in increasing accountability for child health, safety and well-being in licensed child care settings.

Recommendation 4: Update the caseload tracking system.

Response: DEL concurs with this recommendation.

- In 2006, DEL developed an investigative tracking system called the “DEL reporting tool.” The current caseload tracking systems provide licensors and their supervisors with ample data on caseload activity.

- DEL contracted with NARA to study workload and conducted a time study of licensors daily activities.
- DEL will develop a database (QUERIES) separate from the current licensing system to track the association between licensors caseload/ field activity and the frequency of valid complaints by June 30, 2008.
- DEL has proposed an Early Learning Information System to provide better tracking and will pursue funding in the next two years.
- The implementation of the Early Learning Information System will track the association between licensors caseload/field activity and repeated and/or severe non-compliance issues.

The FAMLINK system upon which DEL is dependent ideally will provide a caseload assignment and distribution process for supervisors based on unit type, worker type, worker assignment including entire caseloads or individual pieces of work, and worker attendance such as needed to account for vacations or extended periods of leave. It should provide tools for staff to manage their workload such as system or manually generated ticklers, notifications, compliance reports, and alerts. In addition, the system should support workflow by allowing pended work to be saved prior to finalization and providing validation tools that allow staff to check the completeness of their work before sending for approval. The FAMLINK system is in the high level requirements stage of development and specifications are not yet available. DEL has verified current high level standards for the FAMLINK project however negotiation is pending.

Recommendation 5: Improve provider tracking systems.

Response: DEL concurs with this recommendation.

- Since March 2006, DEL licensors can identify summary information on probationary and suspended licenses on the DEL reporting tool.
- DEL will propose that any new database or information system that captures licensing information has the ability to track corrective action plans and other data that supports licensing field operations
- DEL is exploring the creation of a database separate from the current licensing system to track corrective action plans and provide information to parents on current licensing violations through the planned Early Learning Information Systems project.
- The agency has entered into an MOU with DSHS to use FAMLINK. The FAMLINK system given the specific data, documentation and workflow requirements for child care licensing does not appear to be a long term solution.
- DEL will pursue funding for an early learning information system.

Recommendation 6: Require annual license renewal.

Response: DEL is unable to concur with this recommendation at this time.

- DEL needs the opportunity to analyze whether there is a research base or evidence to suggest that annual licensing renewal results in increased child safety, health and well-being in child care settings.
- DEL is aware that research shows more frequent monitoring visits results in increased child safety.
- Currently, DEL's unannounced monitoring visits appear to provide a more realistic picture of daily child care facilities' conditions. DEL's licensing renewal visits are prearranged visits because they are longer in nature and thus a different picture of the child care setting may be given during the renewal visit.
- DEL is considering practice changes to increase the frequency of monitoring visits and believes that annual licensing renewal may cause more administrative burden on licensing staff, taking them away from time spent monitoring facilities and providing technical assistance or assessment/investigative work.

Recommendation 7: Create an automated renewal notification system.

Response: DEL concurs with this recommendation.

- In 2006, the DEL reporting tool was created to let licensors know when provider re-applications are pending.
- Further automations with either the new FAMLINK system or the proposed Early Learning Information System would best support renewal notification. For instance, automatically generated forms with past license application information "pre-populated" would assist licensees in completing more quickly and with a reduction in errors and could be provided to the licensee with the renewal notification letter.

Recommendation 8: Institute a team review of license renewal applications.

Response: DEL partially concurs with this recommendation.

- DEL believes that a team review process of a statistically significant sampling of cases will promote increased safety and accountability. In recognized quality improvement processes, typically a sampling rather than review of all cases is considered effective. DEL will build the team reviews of licenses into the strategic plan for continuous quality improvement with the target date of plan completion and implementation of April 2008.
- Resources may be required in the form of quality improvement staff at each Service Area level; DEL will analyze further and pursue funding as indicated.

Recommendation 9: Centralize the license renewal application process.

Response: DEL concurs with this recommendation.

- DEL will develop local office centralization of team reviews of license renewal applications into the strategic plan for continuous quality improvement with the target date of plan completion and implementation of April 2008. A statistically significant sampling will occur and as DEL grows in its capacity to complete this work, a broader team review may occur.
- Resources may be required in the form of quality improvement staff at each Service Area level; DEL will analyze further and pursue funding as indicated.

Recommendation 10: Eliminate the current provider complaint process.

Response: DEL is unable to concur with this recommendation, however:

- DEL agrees that the current functioning of the “provider line” is not optimal in that customer service, business processes, tracking and analysis of calls is not consistent. Often, agency leadership is contacted and intervention is requested after the administrative hearing process is well underway.
- DEL maintains that there should be a less formal process than Administrative Hearings for licensees so that issues may be resolved rapidly.
- DEL will analyze current functioning of the “provider line” and design or outsource training that includes continuous tracking of what calls are received, the reason for the calls, the resolution or lack thereof; anecdotally, many of the calls DEL receives pertain to delay in background checks because of fingerprint card errors and lack of timely subsidy payments.
- DEL will explore dedicating staff to fulfilling an “ombudsperson” or system advocate role within the agency.
- At present, the existing “provider line” approach needs to have a clear structure, policy and training for staff who person the line; DEL concurs that a more formalized dispute resolution structure is needed so that any perceived or real “political resolution” does not occur.
- DEL will take steps immediately to learn from the new Office of the Education Ombudsperson about the policies and procedures that have been put in place for the K-12 system. Policy development, tracking system, training and implementation target date: June 2008.
- DEL considers conflict resolution a core competency for licensing staff and will build this into a comprehensive training program.
- It is likely DEL may require future additional resources to support a strengthened “ombudsperson” or system advocate role.

Recommendation 11: Improve parent access to provider information.

Response: DEL concurs with this recommendation.

- DEL will begin development of policy and/or regulation that requires licensees to publicly post (both on internet and in facilities) their license enforcement history, and, upon request, to give parents a copy. Target date: April, 2008 (collaboration with SEIU and other licensee groups is important to make this effective)

DEL recognizes that currently, enforcement history is not in layperson's language and thus, even with posting, parents may not be given a clear picture. DEL is in the process of transforming its internet sight and developing a mechanism for including enforcement history in layperson's language. DEL's parent line currently offers parents more in-depth information in layperson's language.

Other actions DEL has already taken to improve parent access to licensee information:

- Establishment of a DEL Parent Advisory Group that reviews polices and gives input into decisions by the agency.
- Inclusion of parents and licensees on DEL hiring panels, especially for key leadership positions.
- A contract for a statewide "Parent Needs and Desires" Assessment that includes surveys, polls, focus groups and interviews with up to 1,000 parents.
- A contract for external communications to support reaching parents, especially those with highest needs, with information on early learning for their children.
- Creation of a DEL internet site to reach parents and partners.
- Institution of more transparent public disclosure criteria for the agency and initial training (one Service Area completed) so that parents and the public can access child care records more quickly and obtain more information.
- A request for proposal (out October 1, 2007) for the design of a "Quality Rating and Improvement System" focused on improving the information parents can access about early learning settings and the quality of education and care provided within Washington's early learning settings. Pilot implementation begins on July 1, 2008, in at least five Washington communities and will help DEL determine what information parents will receive in relation to enforcement histories and quality of child care settings.
- Partnership with Thrive by Five Washington, the Early Learning Fund that included DEL funding for outreach to parents and providers around quality in child care settings.

Recommendation 12: Increase the amount of provider training.

Response: DEL concurs with this recommendation.

- DEL will propose increased mandatory training for family child care licensees within the negotiated rulemaking process.
- DEL also recognizes that increased mandatory training will have limited effectiveness if the quality of the training is not high. To that end, evaluations are

underway of the Child Care Resource and Referral services. A next step is evaluation of the STARS training offered through contract by the Washington Association for the Education of Young Children.

Recommendation 13: Licensor documentation supporting enforcement.

Response: DEL concurs with this recommendation.

- DEL needs a continuous quality improvement system that includes internal policy, guidelines and training for staff, team review processes and other quality assurance and improvement mechanisms irrespective of whether licensing functions are separated between monitoring and enforcement. The strategic plan for continuous quality improvement has a target date of plan completion and implementation of April 2008. In the interim, training on documentation will be provided if possible although a comprehensive training system is considered optimal.
- Resources may be required in the form of quality improvement staff at each Service Area level; DEL will analyze further and pursue funding as indicated.

Recommendation 14: Investigator documentation supporting licensing.

Response: DEL concurs with this recommendation.

- In 2005, DCCEL contracted with national experts who advised the Department to begin using more intermediary sanctions such as civil penalties. DCCEL conducted a quality assurance study on the use of civil penalties as an intermediary tool and found inconsistent practice around the state. No consistent systemic improvements were implemented and will be considered now.
- DEL will establish a baseline of intermediate sanctions to analyze the frequency and nature of the current use of these sanctions. This is a paper-based process and will require technological solutions to support this quality improvement effort.
- Resources will be required to support this effort such as an information system or hard copy (paper) review, inputting into a database that currently does not exist, and/or additional quality improvement staffing in the future to ensure ongoing analysis rather than a "one time" review; some reallocation of resources may be possible to support this effort and DEL will balance reengineering work and workloads against present licensor work to monitor and respond to complaints regarding family homes.

Recommendation 15: Provide regular training to ALJs.

Response: DEL concurs with this recommendation.

- In 2004, the Division of Child Care and Early Learning developed training for ALJs in consultation with the Office of Administrative Hearings (OAH) and Children's Administration. DEL will review this training and update in

collaboration with its legal counsel from the Attorney General's Office. Target date: July 1, 2008.

- DEL will analyze data on ALJ decisions for use in updating training and for dialogue with the OAH.
- DEL has initiated a dialogue with the OAH about ALJ decision trends and will offer to meet regularly with them to discuss child care licensing issues.
- DEL held a meeting with all the Attorney General's Office (AGO) assistant attorneys general who provide representation for child care licensing. DEL will include the AGO's in meeting with the OAH and trainings.

Recommendation 16: Require enforcement staff to work in teams.

Response: DEL partially concurs with this recommendation as it considers the recommendation interdependent with Recommendations 8 and 9 that speak to team review – DEL concurred with those two recommendations. This recommendation may be dependent upon Recommendation 1 and DEL was unable to concur with that recommendation at this time.

- DEL is unclear as to whether the LPRT is recommending that “enforcement” teams jointly go onsite to assess whether facilities meet minimum regulatory standards or whether this recommendation relates to the same issues as Recommendations 8 and 9 that speak to team case reviews.
- Analysis of anticipated NARA report must occur related to time study and workload and national best practices in child care licensing.
- Please see DEL's response to Recommendation 1, 8 and 9.

Recommendation 17: Perform annual inspections.

Response: DEL concurs that this recommendation for annual monitoring visits and team review of the licensee's file are best practices.

- DEL will build annual monitoring visits into the strategic plan for continuous quality improvement; target date of plan completion and steps toward a phased-in approach for a pilot implementation in April 2008.
- Current resources may not be adequate to make the policy, practice and licensing activities changes given current caseloads and lack of an information system to support the work.
- Analysis of anticipated NARA report must occur related to time study and workload and national best practices in child care licensing.
- DEL will build budget requests for the next biennium and wants to ensure that the results of all evaluations and studies currently nearing completion are used to support any new resources requested.
- Please cross-reference DEL's response to Recommendation 6.

Recommendation 18: Create weighted compliance standards.

Response: DEL concurs with this recommendation.

- DEL is required under Washington law to rewrite the Family Home Child Care Provider regulations through a Negotiated Rulemaking (NRM) process, collaboratively including the SEIU and other “affected interests.”
- DEL has proposed to the Negotiated Rulemaking Team that the Washington Administrative Code for Minimum Licensing Requirements be based on weighted regulations; members of the Team have agreed to this conceptually.
- Target date for completion of rewritten regulations is July 1, 2008, however DEL’s actions are also dependent upon its effective collaboration with other entities and individuals.
- The Washington State Legislature provided funding in the last legislative session that will be used to employ one staff person to project manage the Negotiating Rulemaking process.
- DEL has already reallocated resources to contract with an experienced consultant who facilitates the NRM in-person meetings.

Recommendation 19: Emphasize enforcement of capacity rules.

Response: DEL concurs with this recommendation.

- DEL will prohibit the practice of dispensing retroactive waivers through internal, agency policy that will be developed and disseminated to licensing staff by November 1, 2007.
- DEL will develop and issue internal agency policy that requires management review of all overcapacity waivers to licensees *and* limit all capacity waivers for more than two children to a period of no more than 30 days. Policy will be developed and disseminated to licensing staff by November 1, 2007.
- Licensing supervisors will be required to review this policy with each of their respective units with staff signing that they understand and will adhere to this policy.
- Policy will be posted on the agency’s internet sight and provided to licensees through electronic and hard copy mail.

CONCLUSION

To improve Washington State’s child care licensing system, a critical component in the broader early learning system, the new Department of Early Learning is dedicated to creating and implementing a comprehensive, internal quality improvement plan. A strategic framework, analysis, planning, training, technology, data and evaluation are key to raising the level of systemic functioning and mitigating state liability.

DEL had independently begun building an improvement system through assessment and evaluation of every aspect of child care licensing work from the business processes to a

time study with licensing staff that provides data illustrating what licensors do each day. DEL welcomed the additional analysis and recommendations for improvements provided by the Loss Prevention Review Team's report.

DEL has carefully considered the LPRT's nineteen (19) interconnected recommendations, has concurred with all but three (Recommendations 1, 6 and 10), partially concurring with two (Recommendation 8 and 16) and concurring with fourteen (Recommendations 2-5, 7, 9, 11-15, 17-19). DEL's responses concisely indicate which of the report's recommendations the agency hopes to implement and whether implementation of those recommendations will require additional funding or legislation.

As the LPRT report notes, "*[w]ith the transfer of regulatory authority from DSHS to DEL, there is an excellent opportunity to address the root causes identified, develop performance measures associated with changes made to determine their utility, and hopefully achieve different outcomes.*" DEL agrees and details in its response the actions underway and actions it will take to improve child care licensing. DEL is deeply committed to improving its policy and practices, obtaining the right resources to support staff and licensees so that Washington parents can be confident that a child care license means that safety exists for their children when placed in a licensed facility.