



Washington State Department of

**Early Learning**

# Negotiated Rule Making Kick Off

*Saturday, May 20*



# Saturday Agenda

- Welcome
- Alignment And Rules Review Approach
- *Break*
- Negotiated Rule Making: Developing Guiding Principles
- Negotiated Rule Making: Interest Based Negotiation
- *Lunch*
- Interest Based Negotiation Activity
- Negotiated Rule Making: Protocols
- *Break*
- Negotiated Rule Making: Comments
- Small Group Activity
- Wrap Up
- Sunday Logistics

# Welcome

Lori Anderson

# Alignment and Rules Review Approach

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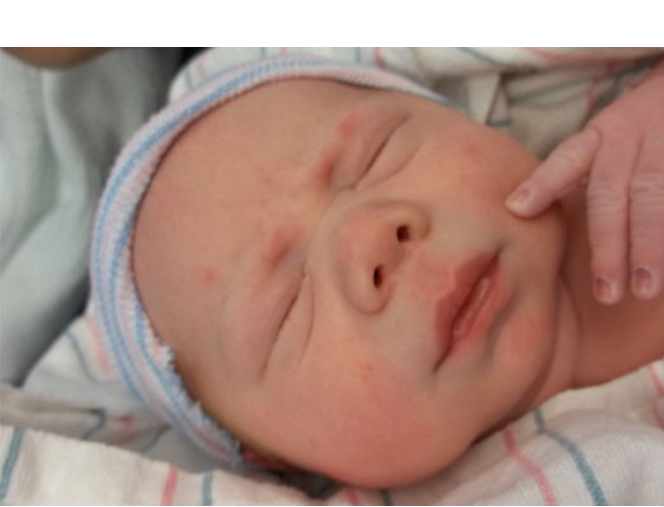
# Alignment and Rules Review Approach Agenda

- Alignment and the National Context
- Alignment Process
  - Goals, Principles, and Focus
  - Process
- Alignment of Licensing Rules
- Weighted Licensing Rules

# Alignment and National Context

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**High quality mixed-delivery  
child care system that equitably  
works for  
ALL children**





# Standards Alignment: State-Wide Collaboration

Racial Equity, Cultural Humility, Linguistic Relevancy, Individualization, Special Services & Inclusiveness

## State-Wide Collaborative:

- DEL Steering Committee
- State-Wide Advisory Committee
- State-Wide Community Engagement

Reaching Out to Diverse Communities:

- Tribal
- Racial and Ethnic
- Cultural and Linguistic
- Family Care providers
- Center Care providers
- Families & Parents
- Other Stakeholders



# Alignment Process

# Early Start Act, Alignment Goals

...The Early Achievers program must establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

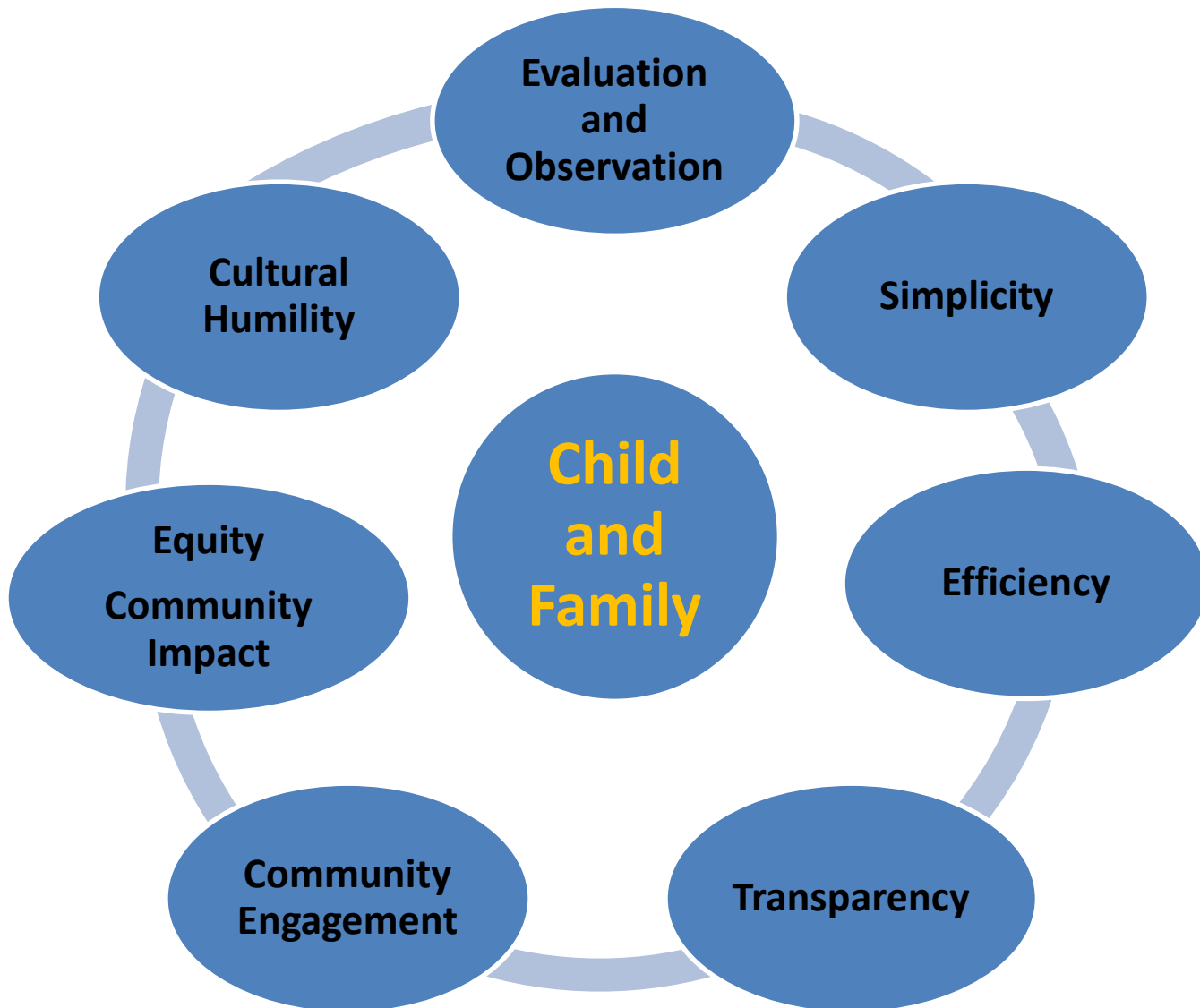
... implement a single set of licensing standards for child care and the early childhood education and assistance program.

## The new licensing standards *must*:

- Provide minimum health and safety standards for child care and preschool programs;
- Rely on the standards established in the early achievers program to address quality issues in participating early childhood programs;
- Take into account the separate needs of family care providers and child care centers; and
- Promote the continued safety of child care settings.



# Standards Alignment Principles



# Standards Alignment Focus

## ❑ Duplication

- ⚠ Standard is repeated in licensing and/or Early Achievers and/or ECEAP

## ❑ Language Inconsistencies

- ⚠ Different words are used in licensing and/or Early Achievers and/or ECEAP even though the concepts are the same

## ❑ Progression

- ⚠ Standards logically build on one another between & across licensing, Early Achievers and ECEAP

## ❑ Dual Language Learners

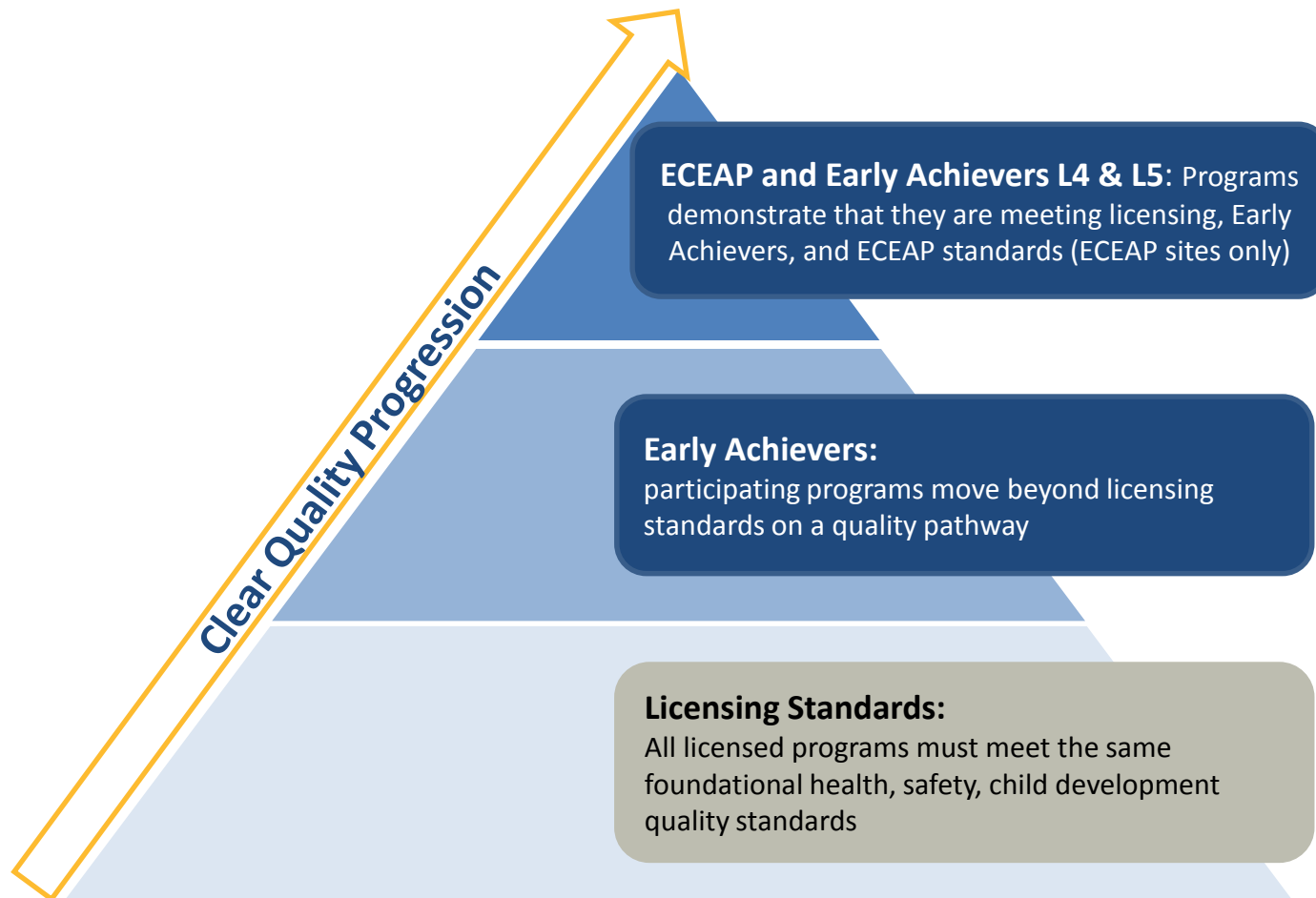
- ⚠ Children who acquire two or more languages simultaneously, who learn a second language while continuing to develop their first language, or who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language yet

# Standards Alignment Process

## Racial Equity & Cultural Humility



Per the Early Start Act requirement, DEL has embarked on the standards alignment process to create one set of standards across all of their programs that demonstrate a clear progression of quality from licensing, to Early Achievers and through to ECEAP.



# Alignment of Licensing Rules



# Alignment of Licensing Rules

The Early Start Act mandated that DEL update our licensing rules so that the early learning system has a **unified** set of foundational health, safety and child development regulations that are easy to understand and align with other requirements by providers in the field.

(RCW 43.215.201)

DEL is taking a transparent, methodical, and inclusive approach to this legislatively-mandated process.

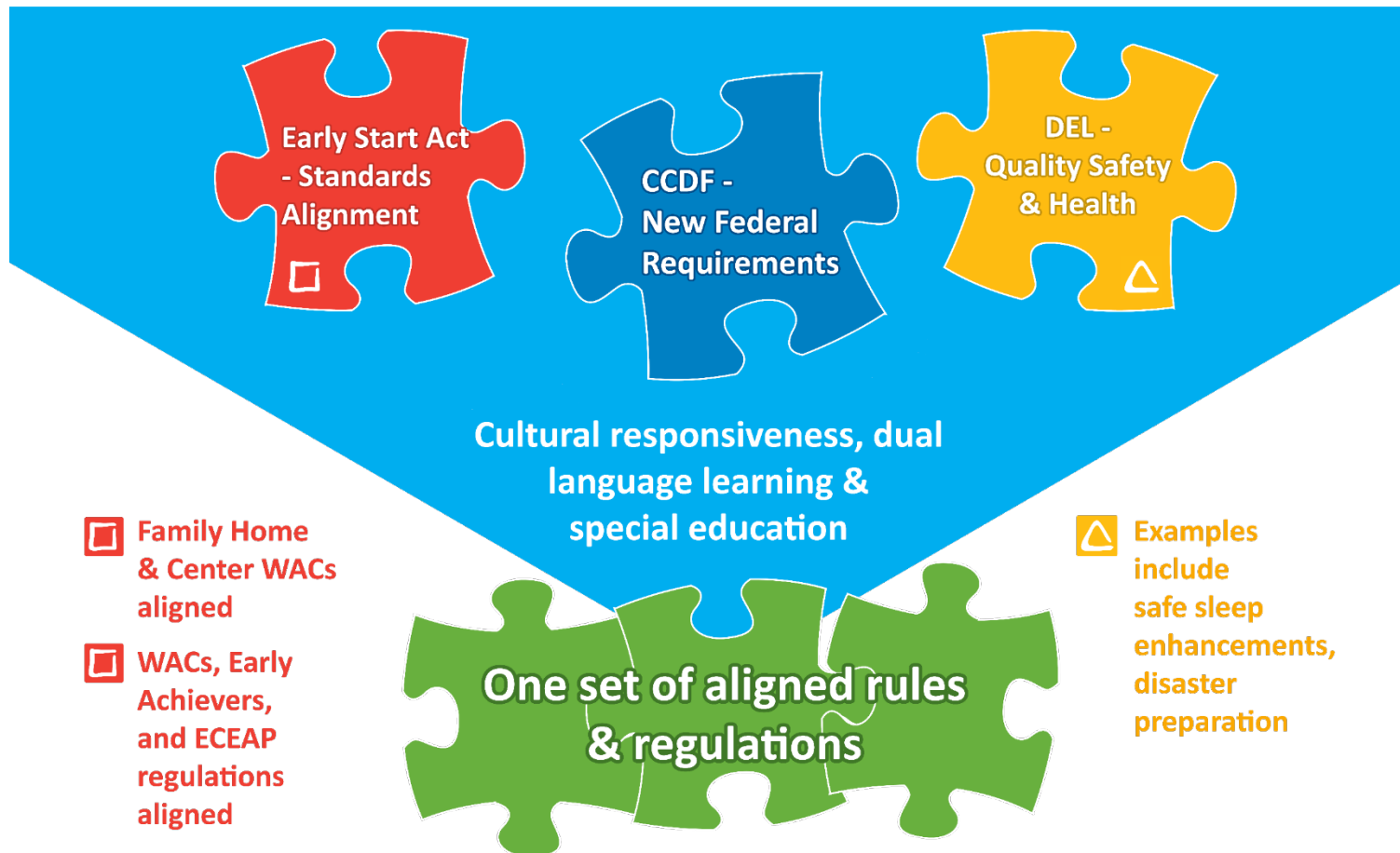


# WAC Alignment

Changes in the federal child care law, increased knowledge and research, and DEL policy priorities all inform this revision.

## Updating DEL's Rules & Regulations

*More than just aligning standards*



# Main Resources

- Child Care and Development Block Grant (CCDBG)
- Child Care Development Fund (CCDF) requirements
- Washington State CCDF Plan
- Caring for Our Children Basics
- Caring for Our Children
- Washington State Early Learning and Development Guidelines
- Community Feedback on Proposed Licensing Standards Drafts, Report
- Washington State Policies and Directives
- Federal Policies and Directives



# Weighted Licensing Rules

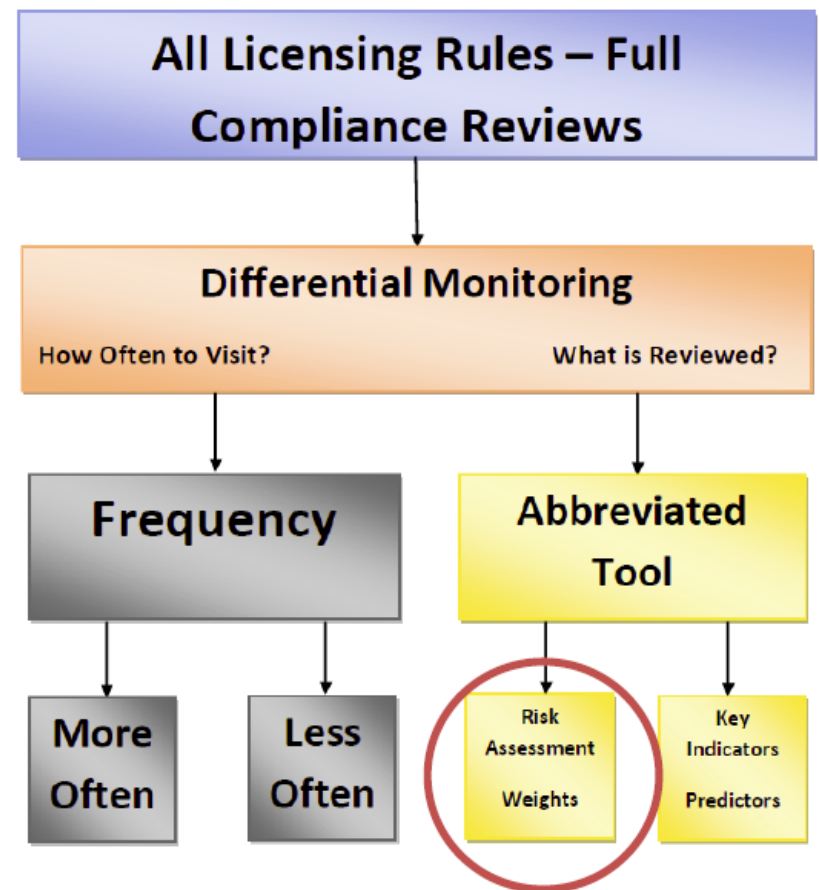
# Research Based Methodology

Dr. Richard Fiene research and implementation

**Differential Monitoring:** A regulatory method for determining the *frequency or depth of monitoring* based on an assessment of a facility's history of compliance with rules

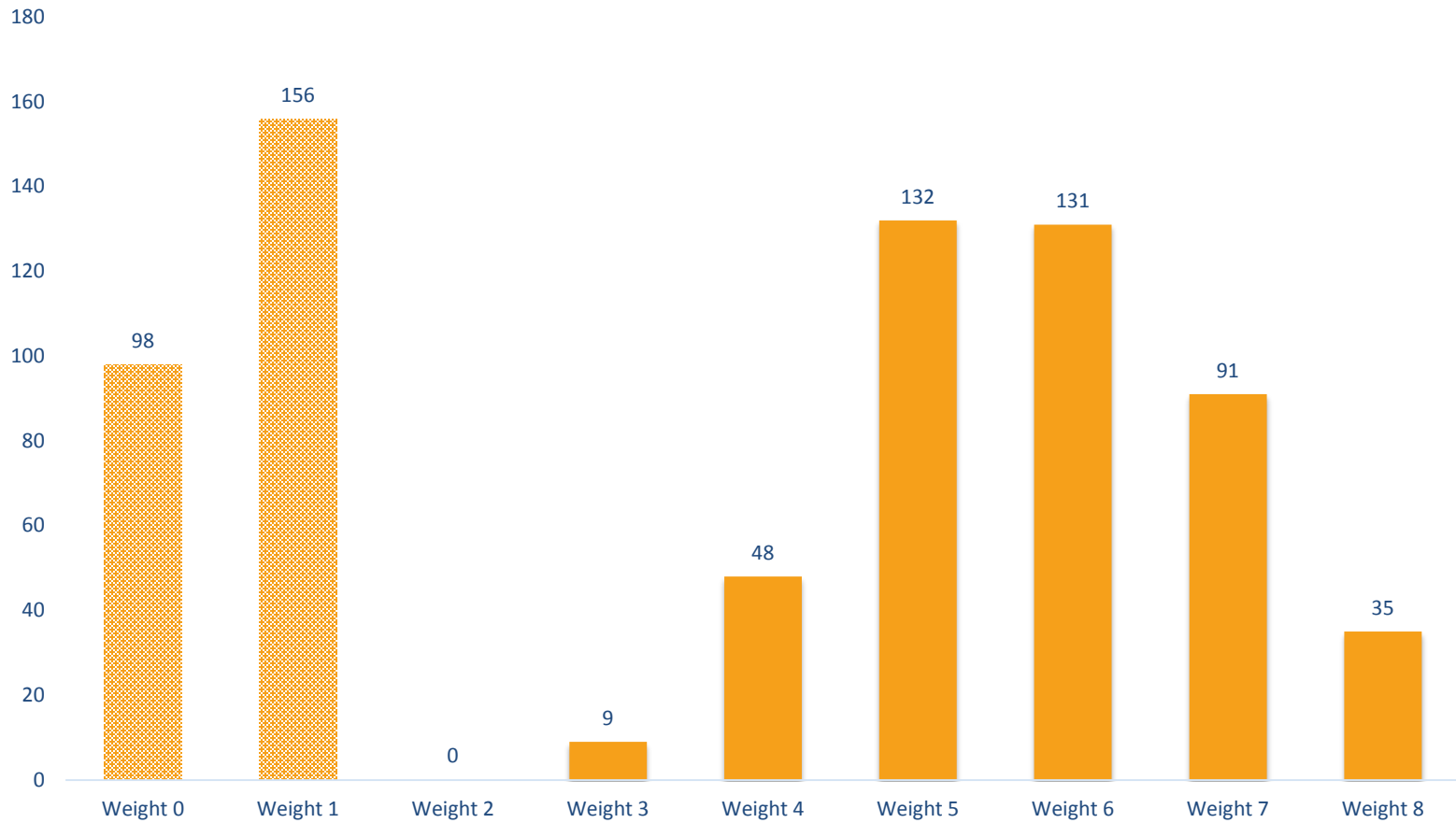
**Risk Assessment:** An approach that focuses on identifying and monitoring those rules that place children at *greater risk of mortality or morbidity* if violations or citations occur

**Key Indicators:** An approach that focuses on identifying and monitoring those rules that statistically predict compliance with all the rules.



# Focus Group and Survey Results

## Distribution of Median Weights



# Focus Group and Survey Results

## Distribution of Median Weights by Regulation Section

		Focus Group		Survey Results							
WAC Regulation Section	Total Regulations	0	1	1	2	3	4	5	6	7	8
Intent and Authority	38	26	6				2	4			
Child Outcomes	4					1	3				
Environment	314	14	20			4	28	76	92	59	21
Family Engagement and Partnerships	6		4				1	1			
Interactions and Curriculum	117	11	48				1	13	15	19	10
Professional Development and Training	81	9	20			4	10	19	13	6	
Program Administration and Oversight	140	38	58				3	19	11	7	4
<b>TOTAL COUNT</b>	<b>700</b>	<b>98</b>	<b>156</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>48</b>	<b>132</b>	<b>131</b>	<b>91</b>	<b>35</b>

# Summary

*Develop a unified set of foundational health, safety and child development regulations by:*

- supporting parents choice and the state mixed delivery childcare system
- ensuring high quality early learning environments for ALL children
- committing to racial equity, cultural humility, and inclusion
- establishing clear quality progression (Licensing – Early Achievers - ECEAP), and a pathway to providers to achieve the highest levels of quality
- being in compliance with federal child care law and state requirements
- using increased early learning knowledge and research, and DEL policy priorities to inform decision making.





Questions?

**Break**

# Negotiated Rule Making: Developing Guiding Principles

Lori Anderson  
Tina Chen-Xu  
Hallie Wells

# Developing a Shared Vision

## Create the shared vision:

Imagine it is August 2020, the final rules have been in place for 2 years, and they are perfect.

- What do the rules mean to you?
- What do the rules accomplish?
- In your opinion, what makes them perfect?



# Developing Common Values

## Brainstorm common values:

- In our perfect world, what behaviors are necessary to realize the vision?
- What will be necessary to support these behaviors and achieve the vision?



# Negotiated Rule Making: Interest Based Negotiation

Tina Chen-Xu  
Hallie Wells

# Interest Based Decision Making

## “Integrative” or Interest-Based Bargaining

- Methodology for all parties to find a “win-win” in negotiating
- Focuses on educating parties to understand the interests of each other
  - Includes: “needs, desires, concerns, and fears important to each side”
- By understanding the motivations behind each side, negotiators can speak and compromise in the same “language”
- Appreciate the perspective of each side



See [www.beyondintractability.org/essay/interest-based-bargaining](http://www.beyondintractability.org/essay/interest-based-bargaining) for more information. For more resources, visit: <https://medium.com/swarm-nyc/the-art-of-negotiation-positional-vs-interest-based-bargaining-c1931ce9ab4b>

# Positional vs. Interest Based Bargaining





# Interest-Based Decision Making Example

## Scenario Topic:

*“Clearly, the sky is always grey.”*



## Positional Negotiations:

- That’s dumb, it’s blue!
- It’s just grey, duh, I don’t have to explain myself!
- Well, actually, it’s black at night, too.
- That’s clearly an opinion and it’s not acceptable in this discussion.
- Everyone knows the sky is blue. Unless you are color blind.

## Interest-Based Negotiations:

- From *my perspective*, growing up in Seattle, the sky is grey fairly often due to the rain.
- I understand in Seattle the sky may be grey much of the time, but in Spokane it can also be blue. Can we agree on that?
- Well, scientifically, the molecules in the air scatter blue light from the sun more than they scatter red light, which is why it looks blue when it’s not cloudy.

**Lunch**

# Interest Based Negotiation Activity

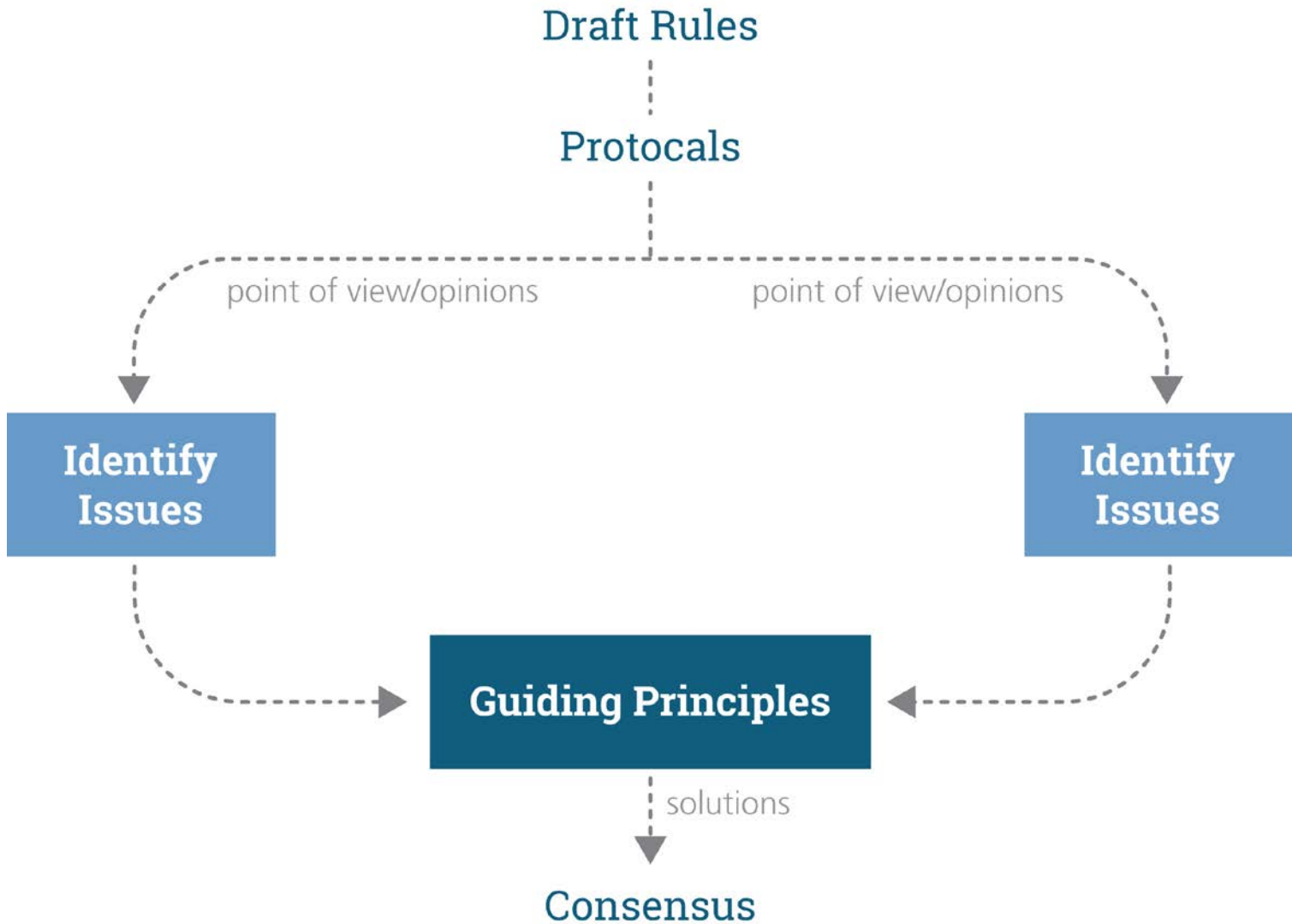
# Interest-Based Decision Making Exercise

- Divide into 3 groups of 16-17 people
- Consider the following scenario:
  - You are part of the (16-17 person) city council in Dual Crests, WA
  - Dual Crests' Mayor, Daniel Finch is a proponent of using interest-based decision making in deliberating changes going on in Dual Crests, and today's meeting of the city council is no different
  - Dual Crests had a budget surplus this year due to a recent influx of tourism thanks to the upcoming release of the revival of the early '90s hit TV-show *Double Summits*, which was filmed partially in Dual Crests
  - Today's city council meeting, mediated by the Mayor, has been convened to determine how to spend the additional \$500,000.00 in revenue. Use Interest-Based Decision making to collaboratively decide how to spend those dollars.

# Negotiated Rule Making: Protocols

Lori Anderson

# Process



# The ABCs of Negotiating



A

- Actively listen
- Ask questions ... especially “why?”
- Arrive at decisions



B

- Be willing to collaborate
- Build consensus



C

- Communicate
- Control emotions
- Create solutions

# Key Expectations

- **Be prepared**
  - Read the draft rules before the NRM session
  - Bring your notebook to each meeting
  - Bring alternates joining NRM mid-stream up-to-date before they step in
  - Brief anyone who misses a session – tell them what was missed
- **Be focused**
  - Remove distractions
  - Get enough rest
  - Resist sidebar discussions
- **Be on time!!!!!!!**





# Protocols

Create the structure for negotiations

Approved by all at the start of negotiations

May be revised during negotiations

Draft protocols based on protocols from 2008 negotiated family home child care providers rule making and input from organizers

# Fist to Five: Measuring Support

					
<b>Closed Fist</b> No. I am blocking consensus.	<b>1 Finger</b> I have major concerns.	<b>2 Fingers</b> I would like to discuss some minor issues.	<b>3 Fingers</b> I am not in total agreement, but I feel comfortable enough to let the language pass without further discussion.	<b>4 Fingers</b> I think the language is good.	<b>5 Fingers</b> I think the language is great.

- Consensus means that all support, or can at least tolerate, the draft rule language and weight.
- Consensus means everyone is holding up at least three fingers.

**Break**

# Negotiated Rule Making: Comments

# Small Group Activity

Lori Anderson

# Creating Solutions

- Divide into 4 groups of approximately 12 people
- Each group is given a handout that contains a unique problem
- As a group, come up with an idea to solve the problem and write it on the handout
- Pass the handout with problem/idea(s) to the group on the left
- Each group comes up with another solution based upon the last idea and writes it on the handout
- Circulate the handouts through all 4 groups at least 4 times

**Wrap up**

# Sunday Logistics

Luba Bezborodnikova





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