WASHINGTON STATE
Department of
Children, Youth, and Families

Washington State's Research Agenda: A Blueprint for State Licensing and Regulatory Administration

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The following brief outlines several large child care licensing oversight changes that have been taking place over the past three years in Washington State. While some of the work has been completed and much more is to come, the entire process is a result of broad outcomes outlined in the Early Start Act (2015). Additional information can be found at http://www.dcyf.wa.gov/about/government-community/legislative-federal-relations/early-start-act. Readers need to understand that some of these plans have not been implemented at this point and/or may be altered as assessments and program evaluations continue. The goal of this document is to provide this Washington state's blueprint for designing oversight systems along with effective validation and reliability studies as delineated by Zellman and Fiene's (2012) OPRE research brief. By following this blueprint, a state will be able to assess licensing measurement and evaluation tools, consider manners in which to validate its standards/rules/regulations, and understand how the entire oversight processes can, and will, impact outcomes.

Background

Mandated by the Early Start Act (2015), the Department of Children, Youth and Families (formerly the Department of Early Learning) created a single set of licensing standards for family home and center child care licensing inclusive of continued work to incorporate Early Achievers (Washington's QRIS) and ECEAP (Early Childhood Education and Assistance Program - Washington's state preschool system). The Early Start Act stated, "The department shall streamline and eliminate duplication between Early Achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing." The Early Start Act specifies that the single set of licensing standards must: (a) Provide minimum health and safety standards for child care and state-funded preschool programs; (b) Rely on the standards established in the Early Achievers program to address quality issues in participating early childhood programs; (c) Take into account the separate needs of family child care home providers and child care centers; and (d) Promote the continued safety of child care settings.

There were five objective set forth regarding the standards alignment outcomes:
• Quality begins at licensing - All sites meet licensing standards as the foundation of quality.
• Standards are clear and measurable.
• Standards provide a progression from licensing through Early Achievers, and ECEAP.
• Duplication is eliminated and similar language is used across licensing, Early Achievers, and ECEAP.

   • Early learning providers can see the progression of the standards and understand the expectations of Early Achievers and, if they receive funding, ECEAP.
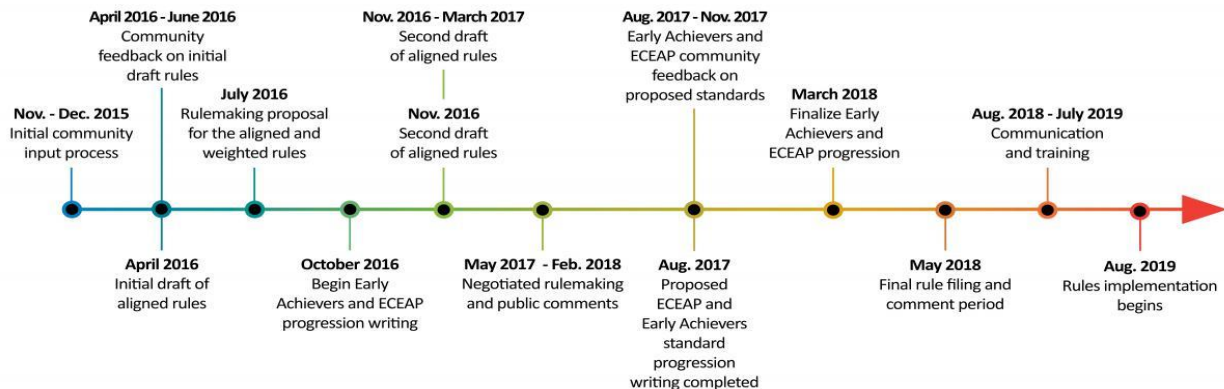
Standards Alignment

Standards alignment began by focusing on updating the current regulations for licensing, Early Achievers, and ECEAP. Licensing regulations are the foundation for quality in licensed sites as well as Early Achievers, and ECEAP. Therefore, revising the licensing standards was the first step in aligning Early Achievers and ECEAP. DCYF began the standards alignment work in early 2015 with development of a community input process, an analysis of the existing standards, and consultation with national experts on standards development. DCYF also had to ensure consistency between family child care homes and child care centers based licensing standards as one of the first priorities of the Standards Alignment process.

In 2016, the Early Achievers and ECEAP teams began assessing and revising the standards for each of those programs with a priority of ensuring consistency between program standards and allowing for efficiency on many levels:
   • Licensing, Early Achievers, and ECEAP will have clear, unduplicated requirements that are consistent across programs. For example, a standard that is included in child care licensing will no longer be listed separately for Early Achievers or ECEAP;
   • Standards will build upon each other, enabling early learning providers to see the differences in standards and how Early Achievers builds on licensing and how ECEAP builds on licensing and Early Achievers;
   • DCYF will plan coordinated monitoring of licensing, Early Achievers, and ECEAP to streamline the monitoring processes in order to reduce duplicate visits for providers.
   • It is important to note, even as standards are aligned into one chapter many regulations remain specific to only one provider type (i.e. family home or center).

Standards were structured to make sure that there is a clear and consistent progression of the standards from licensing, Early Achievers, and ECEAP. Duplicated standards were eliminated and consistency was achieved through research, discussion and decision-making. Each standard in all three programs has been carefully considered, revised when appropriate, aligned with the other programs, and shared with community stakeholder for feedback. Figure 1 outlines the standard alignment timeline.

Figure 1: Standards Alignment Timeline
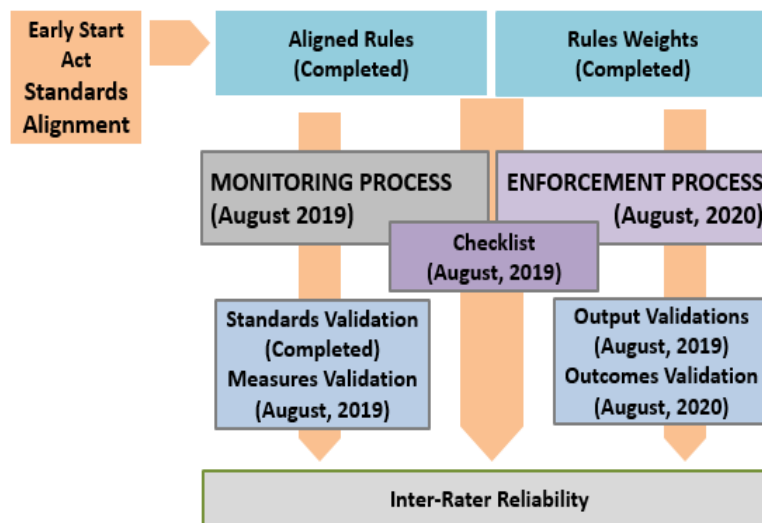
Risk Assessment

After being legislatively mandated to complete a standards alignment process as part of the Early Start Act, DCYF decided to go a step further and weight our licensing standards. The process of "weighting" licensing standards identified those rules that are most important for keeping children safe. The goals of the risk assessment were to protect children from direct and indirect harm, establish a common understanding of risk, identify and address trends, disparities and risk to children more effectively and efficiently, support consistency of actions taken for similar compliance history and, clarify the connection between not complying with a regulation and the consequences

The weighted WAC methodology adopted by DEL is founded in Dr. Richard Fiene's national best practices model for child care weighted risk-assessment. Two parallel processes were conducted to collect input from stakeholders from across Washington: 1) Focus groups were used to collect input from key stakeholders in the field of early childhood education on which regulations within the Washington Administrative Code (WAC) should be included in a survey to be weighted in accordance with best practices for differential monitoring. 2) A Washington Weighted WAC Survey was designed to ask participants to designate the weight— or level of risk— of the proposed licensing rules. One weights were assigned to the WAC, how the weights would be used in relation to licensing compliance (i.e. enforcement) began to be developed. Finally, a plan for validating the new regulations, the WAC weights, and the new enforcement plan were developed. These two processes have yet to be implemented and are discussed further in the next section.

Upcoming and Ongoing Work

With the new chapter of aligned childcare regulations filed and set to be enacted in August of 2019, the DCYF is working to plan, test and implement the remaining monitoring support systems including the new differential monitoring checklist, the inter-rater reliability assessments and the risk assessment validationsethe new enforcment/complaince approach. Figure 2 outlines the process for the remaining standards alginment work.

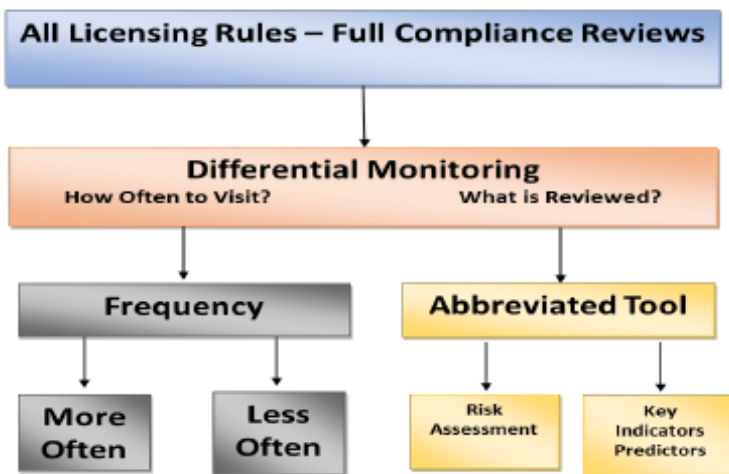**Figure 2: Standards Alignment Change Management Map**

Differential Monitoring/Focused Checklist

Differential monitoring is a regulatory method to determine the frequency and depth of monitoring based on a providers' history with the regulations (Fiene, 2013). Figure 3 (National Center on Child Care Quality Improvement, 2014) describes how using the risk assessment and key indicator methodology can determine the type and frequency of checklists used to monitoring licensed child care programs.

Figure 3: Differential Monitoring Logic Model and Algorithm.

Note: This graphic is adapted from a graphic developed by Dr. Richard Fiene and used in: Fiene, R. (2013) *Differential monitoring logic model and algorithm (DMLMA: A new early childhood program quality indicator model (ECPQIM4)© for early care and education regulatory agencies,* Middletown, PA: Research Institute for Key Indicators.

Currently, Washington State uses a differential system where highly compliant programs are assessed according to an abbreviated checklist using only the key indicator system. If a key indicator is found non-compliant, or a provider has a valid compliant finding since the previous monitoring visit, the licensor will complete a comprehensive checklist of all licensing rules. However, due to the addition of aligned standards as well as the risk assessment, child care licensing needed to consider changes to the differential monitoring system.

The new differential monitoring system will not only combine the risk assessment and key indicators but will also use a checklist focusing on the unique needs of each provide. This will be done by combining both an abbreviated checklist and a comprehensive checklist into one checklist system and then use only those regulations that apply to the provider. Monitoring visits will then begin with a baseline of abbreviated "applicable" regulations based on weight values. The baseline will contain key indicators, all regulations that pose an immediate risk of harm for children if found non-compliant (7 and 8 weight value) and a percentage of the remaining regulations based on risk level. For example, the baseline will have half of all regulations weighted 6, one-third weighted 5 and 4 and, one-fourth weighted 3, 2, and 1. Full compliance will be determined cumulatively over a four-year period.

Additionally, a baseline checklist may also have the ability to add historical non-compliances from the previous visit to ensure adequate follow up and that resources such as technical assistance is being delivered where the provider needs the most assistance. Once a

baseline is created, key indicators and highly risky regulations, when non-compliant, will trigger only those sections related to the non-compliance to be inspected further. This is designed to allow licensors to concentrate more heavily on areas of non-compliance while limiting time spent on areas where providers need minimal or no licensor support. Table 1 describes the changes between the current checklist system and the new proposed focused checklist system.

Table 1: Checklist Design Changes

Current System Two Checklists: Comprehensive/Abbreviated	New System One Checklist: Intuitive/Expandable
Full compliance is determined every 3 years with a comprehensive checklist	Full compliance is determined upon licensure then cumulatively over 4 years

Depth of monitoring is dependent on:
- 12 month history of compliance
   - Valid complaints = Begin with a comprehensive checklist
	Depth of monitoring is dependent on:
	- Regulation weight values (rotation)
	   - Applicable regulations per provider

On-site performance - Non-Complaint KI = Switch to a comprehensive checklist	On-site performance - Non-Complaint KI and Extremely High risk regulations = Expanded checklist by subject section only

The focused checklist system is currently under development in the child care licensing data management platform and is scheduled for piloting in April 2019. The Child Care Licensing Division intends to train, test and include the focused checklist into a long term differential inter-rater reliability plan for licensing staff.

Enforcement

In conjunction with the weighting standards, a new system of enforcement was created to ensure enforcement of these rules is both timely and consistent. This approach was designed to not only incorporate the risk assessment (weights) into the new monitoring systems but was also designed to provide consistent enforcement throughout the state. This process provides needed clarity and transparency of when licensing and enforcement actions can and cannot take place.

The two-part approach consists of a 'single finding score' where each regulation has an assigned weight/risk value and each risk has pre-determined licensing and/or enforcement action possible to assist providers to return to compliance. The second part consists of the 'overall licensing score'. This is inclusive of the compilation of all single finding scores, using a mathematical equation, over a three-year period to determine a providers' overall compliance. The cumulative score value also determines any possible actions within a scale of compliance. This new approach is scheduled to go into effect once the majority of the risk assessment validations are completed in August 2020. Figures 4 and 5 explain each part of the approach.

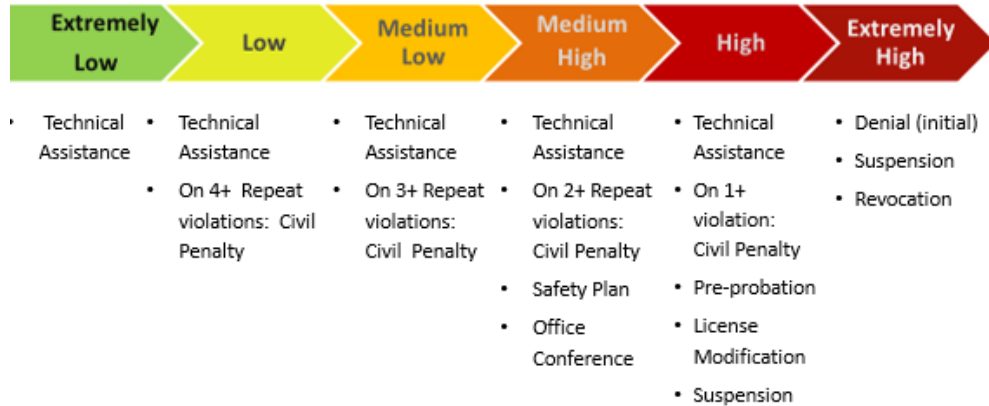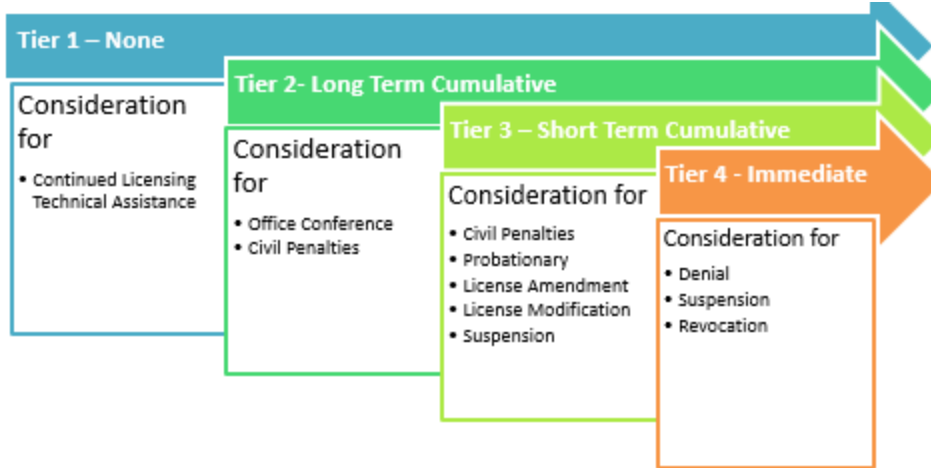**Figure 4: Individual Weight Value and Available Compliance Actions**

Extremely Low	Low	Medium Low	Medium High	High	Extremely High
• Technical Assistance	• Technical Assistance • On 4+ Repeat violations: Civil Penalty	• Technical Assistance • On 3+ Repeat violations: Civil Penalty	• Technical Assistance • On 2+ Repeat violations: Civil Penalty • Safety Plan • Office Conference	• Technical Assistance • On 1+ violation: Civil Penalty • Pre-probation • License Modification • Suspension	• Denial (initial) • Suspension • Revocation

Figure 5: Cumulative Weight Value and Available Non-Compliance Actions

Tier 1 – None

Consideration for
• Continued Licensing Technical Assistance

Tier 2- Long Term Cumulative

Consideration for
• Office Conference
• Civil Penalties

Tier 3 – Short Term Cumulative

Consideration for
• Civil Penalties
• Probationary
• License Amendment
• License Modification
• Suspension

Tier 4 - Immediate

Consideration for
• Denial
• Suspension
• Revocation

Validation

In order to ensure the accuracy of the risk assessment to identify relative risk to children as well as provider needs, the enforcement system will need to be validated. Validity of the aligned regulations and the enforcement plan will be determined through several different studies and will continue to be viewed as a continuous process with multiple goals:

- refining the weights and enforcement processes,
- improving system functioning, and
- increasing the credibility and value of licensing outcomes and of the licensed monitoring system as a whole.

A comprehensive validation plan includes multiple studies relying on different sources of information and asking different but related questions. These can be understood and organized around four complementary and interrelated approaches to validation and will be completed through four validation processes over the next 36 months. Please see the methodology in the supplemental materials for more detailed information.

Standards Validation. The first step was to ensure the aligned regulations correlate with national best practice through a standards validation process. Standards Validation is designed to ensure that the state regulations are aligned and correlate with the national standards. While it is expected that some state regulations exceed national standards and other will meet or fall below national standards, the overall expectation is to determine which regulations overlap and the coverage between the two (Zellman & Fiene, 2012). This step was recently completed after the final aligned rules were filed in June of 2018.

Measures Validation. This validation will measure compliance with all of the individual rules to ensure there is a high correlation between findings and enforcement/licensing actions. This process will ensure that the weight value of individual weight scores is informing licensors of appropriate actions. In short, this process will compare what did happen with what would have happened and will begin in August 2019.

Output Validation. This will discover the relationship (or correlation) between quality and compliance with the new regulations. Simply stated, a higher compliant provider (lower finding scores) should equate to a higher Early Achievers rating. Likewise, a provider with a higher finding score should also then have a lower Early Achievers rating. This process will also begin in August 2019.

Outcomes Validation. Final validation will be to compare the risk assessment rules to outcome data such as injury reports as well licensing and enforcement actions. This final validation will take place over a 12-24-month period and will begin as soon as the proposed regulation weights go into effect in August 2020. Table 2 outlines the validation timeline

Table 2: Validation Timeline

Validation Approach	What does it mean?	Completion Date
Standards	Does the WAC align with National Best Practices?	June, 2018
Measure	Are the enforcement actions taken appropriate?	May, 2020 (preliminary = April 2019)
Output	What is the relationship between quality and compliance with the new regulations?	June, 2020 (preliminary = May 2020)
Outcome	What does the data say? Are children in low risk programs less likely to get injured?	August, 2021 (Preliminary = TBD)

Definitions adapted from Zellman, G. L. & Fiene, R. (2012). *Validation of Quality Rating and Improvement Systems for Early Care and Education and School-Age Care*, Research-to-Policy, Research-to-Practice Brief OPRE 2012-29. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.
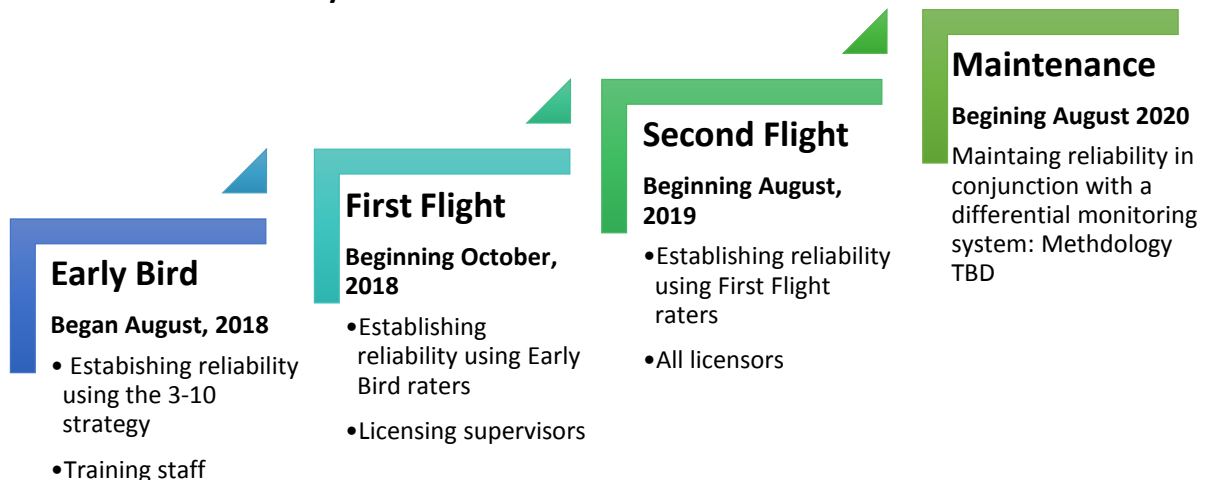
Inter-Rater Reliability

The project of establishing Inter-rater reliability (IRR) of child care licensors across Washington State is currently being designed to establish a common understanding of the new aligned licensing regulations developed according the Early Start Act (2015). In addition, the system will be able to inform licensing oversight of the consistent use of the monitoring instruments through regular inter-rater checks to identify varying interpretations of regulations, gaps in training needs, and misuse of the checklist itself. The proposed plan includes a detailed and intensive mixed method training plan regarding the content of the aligned regulations as well as trainings specific to new policies and procedures. Finally, the plan is inclusive of detailed data collection methodology.

Piloting of the new IRR process began in August 2018. Several cohorts of licensing staff have been designated and strategically placed to evaluate and inform needed changes in the training and data methodology before rating of all licensing staff begin when aligned regulations are enacted and the focused checklist is implemented (August 2019). Once all licensing staff have completed the first initial rating for absolute inter-rater reliability, child care licensing will move into a maintenance plan to ensure staff remain reliable while completing licensing oversight in a differential system. This process is outlined in figure 6. The ongoing methodology is still in development and will depend largely on the success and identified improvements during the pilot. Please reference the data methodology for more detailed information.

Figure 6: Inter-Rater Reliability Overview

Early Bird

Began August, 2018
• Estabishing reliability using the 3-10 strategy
• Training staff

First Flight

Beginning October, 2018
• Establishing reliability using Early Bird raters
• Licensing supervisors

Second Flight

Beginning August, 2019
• Establishing reliability using First Flight raters
• All licensors

Maintenance

Begining August 2020
Maintaing reliability in conjunction with a differential monitoring system: Methdology TBD

Conclusion

This brief provides a state example of how best to apply public policy analysis to regulatory and standards development, validation and implementation. It provides a blueprint to follow as state administrators deal with the complex task of rule formulation within the context of differential monitoring involving risk assessment and key indicators. Washington
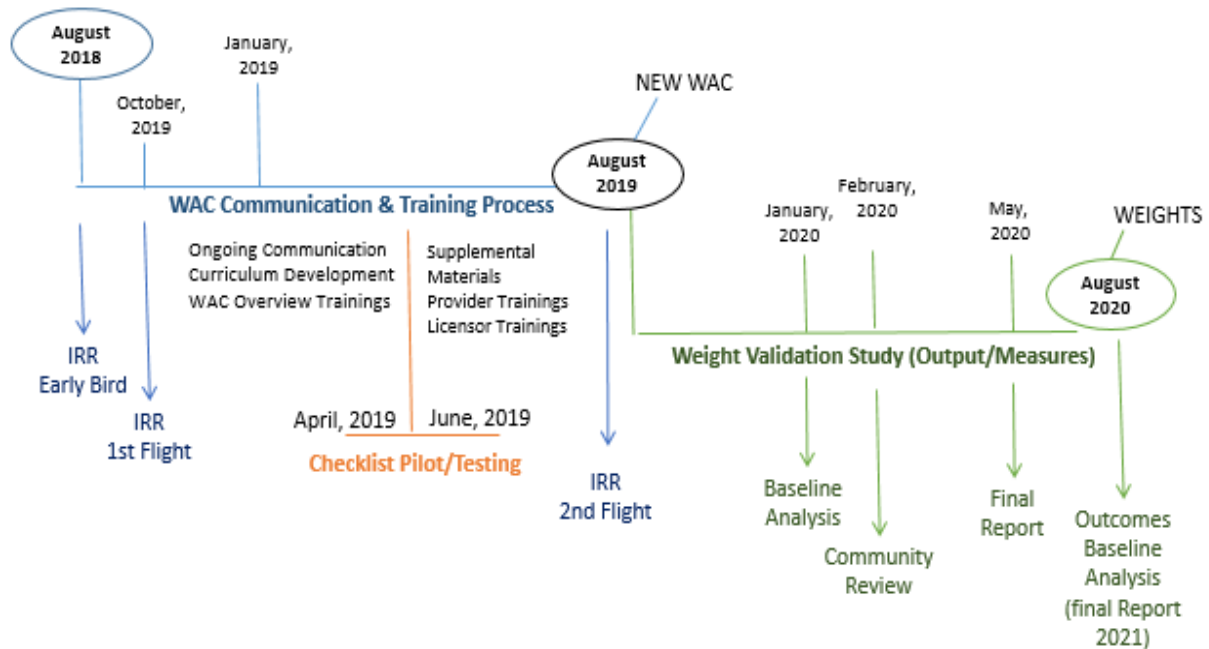
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State has provided actual study examples to Zellman and Fiene's (2012) *Conceptual Framework for Validation* by applying it to licensing and regulatory compliance.

Washington staff have creatively utilized legislation to align several sets of standards, a goal that has had difficulty coming to fruition in many other states. This is a public policy approach that is both cost effective and efficient. Building upon this base they have been able to craft a plan to test both validity and reliability of the data and decisions being made related to regulatory compliance, program quality and child outcomes. Figure 7 outlines the comprehensive timeline for each of the upcoming pilots and validations.

Figure 7: Process Timeline

References

Fiene, R. (2013). *Differential monitoring logic model and algorithm (DMLMA)©: A new early childhood program quality indicator model (ECPQIM4)© for early care and education regulatory agencies.* Middletown, PA: Research Institute for Key Indicators. Retrieved from http://www.researchconnections.org/childcare/resources/24950/pdf.

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