



Family Child Care

PROVIDER GUIDE

to Navigating Licensing and
Payment Problems
in Washington State



Our collective voice as child care providers has shown the early learning community that we are critical to providing quality early learning opportunities for the children in our state.

Family child care providers formed our union to make sure Washington families have affordable, quality child care. With provider leadership, our union contract has helped stabilize the profession so we can serve children and families in our communities.

OUR ACCOMPLISHMENTS:

- We have made great strides since forming our union in 2007.
- In our first historic contract we won over \$50 million in increased subsidy rates and benefits.
- We won additional training funds, a higher infant rate in most areas and subsidized provider health insurance.
- The benefits of the first contract continue into the second contract which started July 1, 2009 - 2011, along with some additional wins. These include six additional months of infant rate and field trip fees for children of all ages.



IN ADDITION TO THE CONTRACT:

- Our union has been actively involved in rewriting the licensing rules and regulations (the WACs).
- The goal of this process is to create common sense, clear rules that will be applied consistently across the state.
- We've used our collective voice to build power in Olympia – preserving key programs and making sure that legislators understand the importance of our role in early learning.

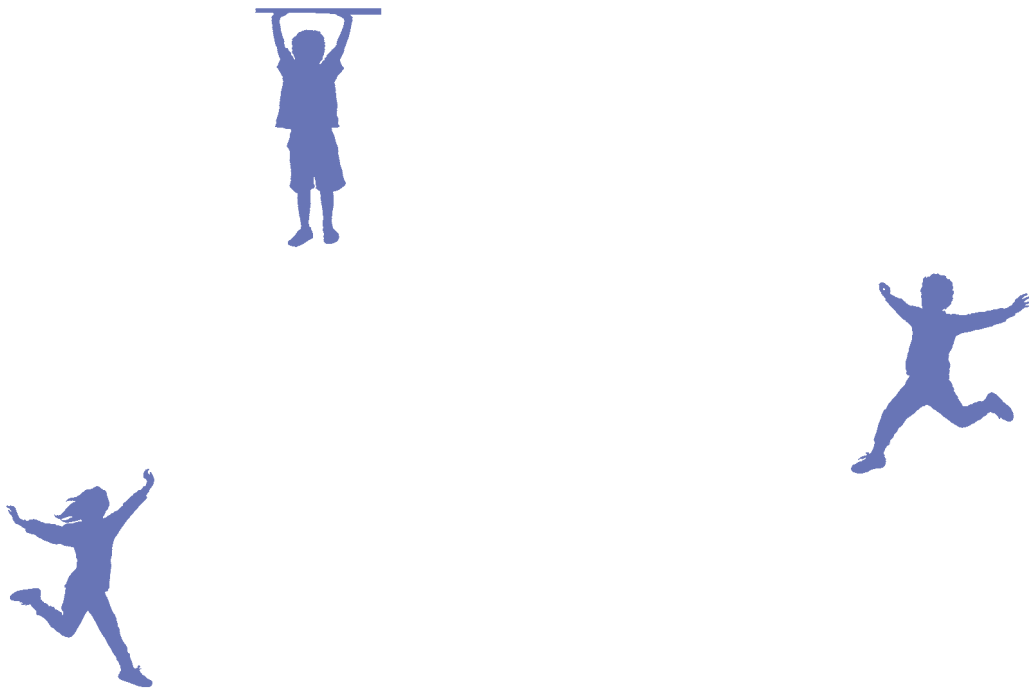


In an effort to ensure that all members and our businesses are protected, we have compiled this provider handbook to help you with situations that may arise as a result of doing business. This handbook was compiled by a committee of providers, union staff and childcare advocates.

We hope that you will find this information helpful. We will be conducting trainings in your areas to help you benefit from this information.

Please purchase a 3 ring binder and keep your handbook in it. We will be issuing updates as they occur.

In order to make our union work we need the help and support of every member. We have lots of opportunities for member involvement. If you would like more information on how to become active in your union or if you have any questions, please call the **Member Support Department at 1- 877-734-8673.**



As Family Child Care Providers we have these rights:

1. To be treated, at all times, as a professional, with fairness, integrity, respect and with a high standard of ethics
2. To be notified promptly of changes in rules, policies, payments and programs
3. To be informed of the nature of a visit by a licensor, and to require the licensor to provide photo ID, contact information, and their supervisor's contact information
4. To record (audio, video, or photograph) the monitoring visit
5. To due process, representation and impartial arbitration in order to correct unfair decisions, without fear of retaliation
6. To have a full investigation and finding of "valid" before any action taken against a provider
7. To voice concerns and be heard prior to any changes in state law or rules, which impact family child care providers
8. To organize meetings with the state to address problems in order to achieve changes and positive results for the families we serve and our businesses
9. To provide the highest possible care to the children in our homes

Table of Contents

Introduction	2
Family Child Care Provider Rights	4
Licensing:	
Background check and reporting	6
Monitoring visits and facility licensing compliance agreement(FLCA's)	8
Requesting a Supervisory Review	9
FLCA checklist	10
Your right to due process under the US constitution	11
Requesting your file from the state	12
Public Disclosure Request Form	13
Different kinds of licenses and what to expect	14
Other possible state actions	15
Adverse licensing actions	17
Expedited Stay hearings	19
Summary Suspension checklist	20
How to appeal a Summary Suspension	22
Emergency Incident checklist	24
Insurance and best practices	25
Payments:	
Billing errors	26
Authorization to obtain and release confidential information	28
How to resolve underpayments through our contract	29
Special needs	31
Appendix:	
Acronyms	33
Website links	35
Childcare adverse action definitions	37
Legal assistance	39

Background Check Requirements and Reporting

Passing a background check is required for all family child care staff and for all persons residing in the home over the age of 16.

Rules for applying for background checks

According to Washington State, family child care providers must:

Submit a background check form for: applicants, all staff, including primary staff, assistants, volunteers, interns, contracted providers, each person residing on premises who is 16 years or older; and all individuals who are 16 years or older who will care for or have unsupervised access to children. Each person must disclose convictions of any crimes, pending criminal charges, and/or negative actions, whether they have had a child care license revoked, denied and/or suspended and whether they have been disqualified from working with vulnerable populations.

Submit an additional fingerprint card for an FBI check if the applicant has resided in Washington for less than 3 years.

Ensure that anyone who you know who has been disqualified or who has been disqualified from working in a licensed child care setting or vulnerable adults agency does not have access to children in your facility.

Keep documentation of background check forms submitted and a copy of the Department of Learning clearance authorization for 3 years for all persons required to have a background check.

Timeline for applying for a background check

Person in your Child Care Home	Date the background check must be submitted	Unsupervised Access allowed
Family Child Care Provider	Before applying for a license	Upon issuance of an initial license
Staff, Volunteer, Intern	By the first date of hire	After the background check is cleared
Contract Provider	By the first date of hire	After the background check is cleared
A person residing in the home, 16 years of age or over	Within 7 days after they move into the home or have a birthday turning 16	After the background check is cleared

Monitoring Visits and Facility Licensing Compliance Agreements (FLCAs)

FLCA's are common. Family child care providers do a good job keeping children in their homes safe and we strive to follow all of the family child care rules. However, many rules are inconsistent, unclear, or are interpreted differently by providers and the licensors at the Department of Early Learning. Sometimes we make mistakes. Most licensing visits result in some kind of corrective action being written down in the form of a FLCA. It is important to know what they mean, what you can do about them, and how to find out whether there is actually a Washington Administrative Code (WAC) violation.

Periodic Monitoring Visits

When DEL can visit

DEL has the authority to inspect childcares periodically to determine if children are being taken care of safely. They also are checking the family homes for WAC compliance. They are allowed to visit you during your open child care hours and they are allowed to inspect your licensed space.

When DEL cannot visit

They are not allowed to inspect when you are not open. If a licensor comes to visit while you are closed, you may schedule a different time when you are open. They are not allowed to inspect your unlicensed space without reason and your permission.

Removal of documentation

If a licensor requests to remove original documents, you may deny their request, according to law.

Facility Licensing Compliance Agreements (FLCAs)

If you are found in non-compliance, you should ask to see the specific WAC which has been violated. You must sign the citation to show you know it was written. It is not an admission of guilt but if you don't deny or disagree, you are agreeing that the information on the FLCA is accurate. If you end up in an Administrative Hearing the information on the FLCA could be used against you. You should always write on the FLCA your side of the story, as this becomes part of your provider file. You have a right to ask for everything in writing from your licensor. Feel free to take pictures of the alleged violation to support your supervisory

review. If you don't write on the FLCA or ask for a Supervisory Review, you are held to the FLCA as it is written.

FLCAs stay in provider files and can be used in cases against providers. It is critical that you share your side of the story and/or document your disagreement with the FLCA.

Request a Supervisory Review

If you disagree with the FLCA, you should request a supervisory review immediately. There is a box to check on the bottom of the FLCA to indicate that you are requesting the Supervisory Review. As a licensed provider, you have the right to write a plan of correction on violations and to complete this plan within a reasonable timeframe. DEL may offer ideas on how best to meet the safety needs of children and should offer creative ideas and options about how to come into compliance.

Take it to a Higher Level

If the Supervisory Review is not successful, go up the chain of command: 1) Assistant Service Area Manager, 2) Service Area Manager, 3) DEL Deputy Director, 4) DEL Director, 5) Your elected representatives.

Notes

Facility Licensing Compliance Agreement (FLCA)

Provider Check-list

Date of Inspection: _____ Type of Inspection: _____

Is the inspection based on a complaint? Yes No

Licensors's Name: _____

Phone: _____

Mailing Address: _____

WAC number FLCA is based upon: _____

Do you agree that there is a WAC or RCW that is being violated? Yes No

Did you write your side of the story on the original FLCA? Yes No

Are there special circumstances that led to the violation? If so, what were they? _____

Were the circumstances within your control? Yes No

What happened? _____

Do you have parent letters, witness statements, photos, tape record or video the situation? If so, keep those with this check-list.

Do you have a plan of correction or action that will put you in compliance? Yes No

Would compliance cost a large amount of money or a long period of time? If so, you have a good reason to request a reasonable time frame to comply. _____

If there is a non-compliance issue, when can you realistically have the correction or action completed? _____

Did your licenser have helpful suggestions or give you technical assistance? Yes No

Check the FLCA for accuracy and add any facts you feel are necessary. You may add additional pages if necessary, and you should note that on the FLCA. Be sure to keep a copy of the FLCA and any additional notes for your records.

Did you request a Supervisory Review? Yes No

If yes, when? _____

Did you request an interpreter if English is not your strongest language? Yes No

Due Process

You have the right to Due Process under the United States Constitution

Due process is the principle that the government must respect all of the legal rights that are owed to a person according to the law. This right seeks to prevent arbitrary government actions, avoid mistaken deprivations, and allow persons to know about and respond to charges against them. You have the right to due process.

Limitations to information DEL can request

Due process means DEL or another state agency can only request additional information that is logically related to the assumption there is a potential problem or if the problem constitutes a risk to children. Such required information or evaluation must be directly related to the provider's ability to care for children and/or to a problem that could constitute a risk to children in care.

Ask for help if you need it

If you feel you have been falsely accused of a licensing issue or a payment issue, you should contact your SEIU Local 925 Member Support Department right away. They will give you the appropriate steps you can use to address your issue.

Requesting Your File from the State

Our SEIU 925 contract allows for child care providers to examine our own documents kept by the state. Review of the documents happens in the presence of the state representative during business hours, unless otherwise arranged. You may not remove any of the contents, however, you may provide a written rebuttal to any objectionable information.

If you want a copy of your file, you may request a copy from your licensor and you **MUST** receive a response within five business days from stating 1) they will be providing the record 2) acknowledging the request and give a reasonable estimate of the time for the request to be filled or 3) deny the request in whole or in part and provide you with the reason for the denial as per RCW. The state charges a reasonable copy fee for such requests. It can get expensive if you have been caring for children for a long time.

To save money, it is recommended that you go into the office, if possible, and request copies of the parts of the file you want.

If you have questions about any of the information in your file, you should file a written request with DEL for review, explanation and correction, if necessary.

If you do not receive your file in a timely manner, you should contact the informal grievance line per the SEIU contract, to address the problem.

Public Records Request

WHO IS REQUESTING THE RECORDS?			
LAST NAME	FIRST NAME	MIDDLE INITIAL	DATE OF REQUEST
WHERE SHOULD WE SEND THE REQUEST?			
ADDRESS	CITY	STATE	ZIP CODE
TELEPHONE NUMBER (INCLUDE AREA CODE)	FAX NUMBER (INCLUDE AREA CODE)	E-MAIL ADDRESS	
FOR A SPEEDIER DELIVERY AND TO CUT COSTS, MAY WE SEND RECORDS AND ALL CORRESPONDENCE BY E-MAIL? <input type="checkbox"/> Yes <input type="checkbox"/> No			
FOR A SPEEDIER DELIVERY AND TO PROTECT CHILDREN, MAY WE REDACT (BLACK OUT) IDENTIFYING INFORMATION OF MINOR CHILDREN? <input type="checkbox"/> Yes <input type="checkbox"/> No			
WHAT ARE YOU REQUESTING? PLEASE BE AS SPECIFIC AS POSSIBLE.			
PLEASE NOTE:			
<p>DEL may charge 15 cents per page for all standard and legal-sized copies.</p> <p>By submitting this form, requester certifies the records or information obtained will not be used for any commercial purpose pursuant to RCW 42.56.070(9).</p>			

Notice to those receiving information: Pursuant to RCW 42.56.520, agencies must promptly respond to requests. Within five business days of receiving the request, the agency must either provide the record, acknowledge the request and give a reasonable estimate of time for the request being filled, or deny the request in whole or in part.

Different Kinds of Licenses and What to Expect

Initial License:

This is the first license a provider receives when he or she has demonstrated compliance with all of the health and safety requirements. Typically, it is issued for 6 months. It can be renewed for an additional 6 month period, within reason, but a provider should not be held to an initial license for more than 2 years.

A full license is issued when the provider demonstrates compliance with all of the licensing rules, within 90 days after demonstrating their ability to comply with the rules. Providers are limited to a smaller number of children in their capacity until they are advanced to the full license. Providers should contact their licensing supervisor, if they are being delayed or denied their full license.

Full License:

A full license is issued after the initial license. It is renewed every three years. Providers must submit their completed relicensing packet into DEL at least 90 days prior to their expiration date. Even if DEL has not sent the packet within 120 days, as required, the provider must follow the 90 day rule. Full licenses are granted once a provider demonstrates compliance with the licensing rules. Most of the time the providers will go the entire 6 months before receiving a full license.

Probationary License:

A probationary license may be issued as part of a corrective action. All families must be notified in writing if a provider is put on a probationary license. A probationary license may be issued for up to 6 months and can be extended by the state, for an additional 6 months.

Multiple Care-giving Licenses:

A provider may hold multiple care-giving licenses, (such as foster care). DEL must be informed of these licenses and it may require a written plan for how the provider will manage multiple care-giving.

Other Possible State Actions

State agencies listed below have oversight of child safety, or state or federal funding. They can launch an investigation, if they feel there is cause. Many complaints are found to be invalid or unfounded, in these investigations.

DEL Licensing Visits based on complaints

Division of Licensed Resources/Child Protective Services (DLR/CPS)

Department of Fraud Investigation (DFI)

Social Service Payment Services (SSPS)

Child Protective Services (CPS)

Office of Financial Management (OFM)

Fraud Early Detection (FED)

As a family child care provider, you may be investigated for alleged misconduct. This could be initiated by a complaint, an audit, or an accident in your family home. No matter which investigation is being conducted, if you give up your license during the process, you will have no right to appeal or to due process.

Warning: Surrendering a License and signing a Voluntary Closure Agreement eliminates your right to an appeal

DEL can request you give up your license, but they have no authority to take away your license without due process. You have the right to refuse to give up your license and you have the right to refuse to sign a Voluntary Closure Agreement.

If you surrender your license or if you sign a Voluntary Closure Agreement, you lose your right to a hearing.

What can you do if you are innocent and have a complaint lodged against you.

1. Ask for ID of the investigator/licensor who comes to your home, if necessary.
2. Ask why they are there.
3. Listen to what is said or asked of you.
4. Authorize entry unless you are closed.
5. Be courteous, respectful, and truthful.
6. Ask to call a witness.
7. Continue to care for the children in your care. This is your priority.

8. Ask to record the investigative visit with either a camera or voice recorder.
Take written notes.
9. Take pictures of the alleged violation or issue, if possible.
10. Ask questions.
11. Ask for additional time to seek legal advice or assistance.
12. Don't sign any paperwork without knowing exactly what you are signing.
13. Don't voluntarily close or turn over your license, without legal advice/legal assistance or DEL paperwork.

Notes

Adverse Licensing Actions

Actions the State can take against Family Child Care Providers

Revocation

The formal act of closing your child care business and taking away your license due to your alleged failure to follow the rules

Denial

The formal act of denying your application for a full license or the renewal of your license due to your alleged failure to follow the rules: your license will be denied or revoked if you are disqualified from providing care or having unsupervised access to children in child care.

Summary Suspension

The formal act of immediately stopping your license for a certain time because allegedly the health, safety or well being of a child is at risk

Disqualification

DEL has determined that a person's background information prevents that person from being licensed or being authorized by DEL to care for or have unsupervised access to child care children

What you can expect if this happens to you and your child care business

- You must receive a DEL formal letter delivered by mail or by your licenser
- If you receive a Summary Suspension or Disqualification, you must close your business on the date specified on the DEL letter
- If you are appealing a Revocation or Denial you do not necessarily need to close your business
- You must submit a written appeal request:
 - Within the 28 day time frame
 - Stating your basis for contesting DEL's action
 - Enclose a copy of the DEL letter with your appeal request
 - Send your appeal to the two addresses (Olympia OAH Office & DEL Office) listed in the DEL letter by mail, with return receipt requested, hand deliver or have some proof of receipt

Important: If you miss the 28 day appeal deadline, you forfeit your appeal rights.

Administrative Appeal Hearings

These hearings last from 1-5 days or longer. You will need help from the provider advocate or legal community. You will need to be prepared with witnesses and exhibits and you should know what is in your provider file. Make sure you have enough time to present your case and that you are able to refute any allegations by submitting exhibits and/or witness testimony that supports your position/case.

In the case of a summary suspension that does not involve an unsafe situation to children, please read the section on Expedited Stays. A judge may allow you to stay open during an investigation and appeal, if there is no danger to children in your care.

Notes

Expedited Stay Hearings

An expedited stay allows you to continue to stay open during an investigation and appeal process.

You must submit a Memorandum of Support for an Expedited Stay before the Expedited Stay Hearing of the Administrative Law Judge. The Memorandum must meet 3 prongs with a preponderance of evidence which supports:

You are likely to win your appeal hearing on the allegation/licensing action.

You will suffer irreparable injury if the stay is not granted (more than financial.)

The threat to the public health, safety or welfare of children is not serious enough to justify the suspension.

An Expedited Stay helps expose all of the issues for the full Hearing and keeps you open for business until you have a final decision on the merits of the issues at a full Hearing, which can take from 3-8 months. There is only one step for an appeal: a Review by the DEL Review Judge.

If you win an Expedited Stay, DEL can and does occasionally lift the Summary Suspension if the evidence proves that there are not real issues or risks to children but is entirely at DEL's discretion.

Summary Suspension Checklist

Upon receipt of a Summary Suspension Letter

1. Call a provider advocate, your union, or an attorney. Everything that you say or do counts once you know there is a serious licensing issue.
2. Ask questions of the licensor delivering the letter or if received through the mail, call your licensor, if you have questions. Even though licensors will often state they can't answer your questions, sometimes there is information given. Write it down.
3. Write down what is asked of you. Answer the questions that are asked of you, including vital information that helps explain the circumstances.
4. Write down who came and who they are. Ask for an ID if you don't know them.
5. Be honest, co-operative, respectful and try to stay calm.
6. Call your child care parents of children that are still there, if instructed to do so by the licensor. You can also call them that evening to let them know that you have been summarily suspended. Let them know what the suspension is about and tell them you will be closed at least 2-3 weeks before an Expedited Stay can be granted by an Administrative Law Judge.
7. You have the right to continue to care for children that are related to you – if they are not state subsidized.
8. You do have the right to continue to care for a family that you select by going to their home and caring for their children in their own home. You cannot care for any other children from another family while providing care in one family's home. If you care for a family's children in their home, be sure to share your DEL Summary Suspension letter with the family so they are making a fully informed decision about your care. Have them sign a statement stating they have read your letter and that they approve of your continued care of their children.
9. If there are DLR/CPS abuse or neglect allegation, it is better to NOT continue to care for any children until the issue is resolved.
10. If you disagree with the allegations, you must appeal the Summary Suspension within 28 days. There are no exceptions to that timeframe, unless something extreme has happened, for example the death of a close family member.

11. It is best to make your appeal and request an Expedited Stay of the Summary Suspension at the same time, if possible. You can make an Expedited Stay request after you have requested an appeal of the Summary Suspension, at a later date, but it slows the process down. Time is of the essence in getting your appeal request to the Olympia Office of Administrative Hearing Office.

Notes

Appealing a Summary Suspension

To Appeal a Summary Suspension you must:

1. Make your appeal request in writing. See sample letter on next page.
2. State the reason that you are requesting an appeal of DEL's decision.
3. Request an Expedited Stay ONLY if you are appealing a Summary Suspension & want to reopen as soon as possible.
4. Enclose a copy of the DEL Notice letter with your appeal letter
5. Request the services of an interpreter (free of charge), if needed, in whatever language
6. Submit the request within 28 days after receipt of the DEL adverse licensing action letter to:
(1) Office of Administrative Hearings, P O Box 42488, Olympia, WA 98504-2488

(2) Your local DEL Office (address given in DEL Notice letter)
7. Submit the request by Registered or Certified US Mail or hand deliver & have date stamped for proof of delivery
8. Keep a copy of the appeal letter for your records.

Sample Letter

Date

Sent by: Registered or Certified US Mail or hand delivered

To: Office of Administrative Hearings
P O Box 42488
Olympia, Washington 98504-2488
Department of Early Learning
Your Local DEL Office

I am appealing the enclosed DEL Notice of Summary Suspension, Revocation, Denial of my childcare license, and requesting an expedited stay of suspension. I deny the allegations as stated in the enclosed DEL Notice of Summary Suspension, Revocation, Denial letter date _____.
_____.

I am requesting the services of an Interpreter in _____ (language).

Your Name

Address

Phone #

Enclosure: DEL Notice

Emergency Incident Checklist

1. Assess the situation and circumstances. Know what you are dealing with, if possible.
2. Call 911 for help, if needed, or other assistance as required or determined by you.
3. Follow your DEL approved emergency plan and bring in additional DEL approved staff, if possible.
4. Notify parents to pick-up children or to meet at a designated emergency facility.
5. You must call and report these incidents immediately:

Suspected child abuse or neglect	Child's suicide attempt
Sexual contact between 2 or more children	Death of a child
Sexual or physical abuse by child in care	Use of harmful physical restraint
Unexpected or emergent health problems	Medication given incorrectly
Injury requiring professional medical treatment	
6. You must call and report immediately the above circumstances to:

Your Licensor
Children's Administration Intake (24-Hour line 866-363-4276)
7. You must call and report these incidents immediately to parents:

Suicidal or homicidal ideas, gestures, attempts	Unexpected health problems
Runaways	Physical assaults that result in injury
Missing children	
8. Within 24 hours, you must call & report any incident or injury to a child occurring while in attendance that requires a medical professional or dentist.
9. Within 2 days, complete a written Incident Report form for any incident or injury, occurring in child care that requires medical or dental attention. Have the parent sign the form. Provide the parent and your licensor with a signed copy of the form.
10. Notify by telephone, as soon as possible, your Accidental/Medical Insurance Company, Homeowner's Insurance Company, and your Professional Liability Insurance Company.

Liability Insurance Requirements and Best Practices

Automobile Insurance

When transporting children, the driver or owner of the vehicle must be covered under an automobile liability insurance policy.

Accidental/Medical Insurance

You are not required to carry accidental/medical insurance but it is best practice and essential to protect yourself, business, and family. A very good, reputable accidental/medical insurance group coverage plan is available to Washington State Family Child Care Association members for a small annual cost. You can also contact your insurance agent.

Professional Liability Insurance

You must either carry professional liability insurance with a limit of at least \$100,000 per occurrence or opt out, per Washington State law.

If you carry liability insurance:

- You must provide DEL with proof of your child care insurance
- You must notify DEL when coverage has been terminated.
- You must post written notice, visible to parents, when your coverage has lapsed or been terminated.
- Parents must be notified within 30 days of any lapse in coverage
- Use DEL's standard form and keep all parent notifications on file

If you choose to opt out of carrying liability insurance:

You must provide written notice of your insurance status to parents/guardians of children in your care.

Billing Errors

Billing errors may cause an underpayment or overpayment. You must submit an invoice for payment no later than 12 months after the date the approved child care was provided.

1. Timeframe for Correcting Billing Errors for Licensed Family Home Child Care

The time limits for correcting underpayment and overpayment errors for licensed family home child care:

- » Two years from the date child care was provided if the error is related to the rates based on age and/or region; or
- » Three years from the date child care was provided if the error was for any other reason, including those discovered by a federal audit.

2. Timeframe for Correcting Billing Errors

The time limits for correcting payment errors :

- » One year from the date of child care service for correcting underpayments.
- » Three years from the date of child care service for correcting overpayments.

In order to avoid an overpayment, make sure the amount you are charging the state is not more than what you are charging your private parents. This applies to field trip fees, registration fees, and regular rates. The state will pay its maximum which may be less than what you charge your private pay families. In addition, check your invoices closely to make sure your paperwork matches your attendance and age records for the children in your care.

Overpayments

Some reasons overpayments may occur:

- You bill for more hours than you were eligible to bill for based on the days and time you provided care
- You do not have any attendance records (this results in an overpayment for the entire amount billed)
- You do not have attendance records to support your billing under WAC 170-290-0268
- You bill for child care at a rate higher than you were eligible to receive

If you believe that you have been overpaid, follow these steps:

1. Compare your attendance records to your billing to see if you were overpaid
2. Call the Provider Line, SCC contractor or CA social worker to report an overpayment

If it is determined you were overpaid, you will receive a Vendor Overpayment Notice. If you have questions about the overpayment, call the telephone number on the form.

If you do not agree that you have been overpaid, you may call the payment grievance line or the Provider Line.

If overpayments are not resolved by talking to the DSHS Provider Line staff, you must prepare for the Administrative Hearing Process.

You can call SEIU Member Support Line for advice on how to start that process. Step by step directions are on the Vendor Overpayment Notice that outline how to dispute the overpayment.

Self reporting overpayments will not be negatively noted in your file.

Keep written documentation of all of your correspondence including fax confirmations, emails and time-dated receipts.

AUTHORIZATION TO OBTAIN AND RELEASE CONFIDENTIAL INFORMATION

In order to provide a complete assessment of your child and track your subsidy authorization, it is beneficial to exchange pertinent information between _____ and the following: physicians, psychologist, hospitals, clinics, mental health agencies, Doctors office, Case worker, Speech therapist, physical therapist, and DSHS. Therefore, I hereby authorize the exchange of any pertinent records, educational, psychological, or medical records as checked below regarding the named client between the following with the understanding that this information will not be transmitted to be a third party without my consent. Note: All information received by _____ will be placed in the client's record and will be available for inspection and review in accordance with the requirements of the Family rights and privacy Act of 1974.

Clients name: _____ Age: _____ BD: _____ Sex: _____

Address: _____ Phone: _____

Teacher: _____

Family Child Care Name of Agency: _____

FCC Address Address: _____
City: _____ State: _____ Zip: _____

FCC Phone number _____

FCC Fax number _____

Please check the following:

Request for Records

Request of _____ (number) records

Telephone Exchange

Release of _____

Signed: _____ Date: _____

Address: _____

How to Resolve an Underpayment through our Union Contract

STEP 1.

1. Once you realize that you have an underpayment you should call the Member Support Line.
2. The provider and member support person will analyze your case and then proceed to informal grievance line @ 1-888-270-0613.
3. When you call the informal grievance line most of the time the problem can be solved at that step.
4. The state has 30 days to respond back to you in a letter
5. Once you have received the response, if it is not satisfactory then you can move forward with the grievance process under our contract.

STEP 2.

1. If the grievance is not resolved at Step 1, the provider and the union may submit the written grievance to DEL within 15 days of receiving the State's Step 1 written response.
2. In the case of non-payment disputes, grievances shall be filed within thirty (30) days of the occurrence of the alleged violation or when the provider or the union could reasonably have known of the underpayment.
3. The written grievance may be submitted in person, by U.S. mail, or by fax or by mail.

STEP 3

1. If the grievance is not resolved at Step 2, within fourteen (14) days of the Step 2 denial or date the response was due, the provider and the Member Support person may advance the grievance to the OFM Labor Relations Office (OFM/LRO).
2. The LRO and the Union will decide whether to hold a meeting, conference call or mediation. This must be done within thirty (30) days of receipt of the written grievance in order to discuss and attempt to resolve the grievance. At that meeting or conference call, the State will give a verbal response to the grievance.

3. Both parties agree to mutually extend the timelines and attempt mediation through the Public Employment Relations Commission (PERC) or other service.
4. If the State and Union mutually agree to mediation in lieu of a meeting or conference call, your Union may file a request for mediation within fifteen (15) days.
5. If the parties are unable to reach a resolution, your Union may request in writing within fifteen (15) days of the Step 3 meeting, that the grievance be submitted to an independent arbitrator.

STEP 4

ARBITRATION

If the grievance is not resolved through the above steps, your union will decide whether there is a strong enough case to go to an arbitrator for a binding decision. If so, the award of the Arbitrator shall be final and binding upon both parties.

Special Needs Requests

Questions to ask:

Has the child been diagnosed with a special need? _____

By whom? _____

Written Doctor or Professional documentation? EX: Nurse, Behaviorist, Physical Therapist

Do you need to recommend that the child be diagnosed? (Sometimes being the main caregiver you may recognize delays or concerns.)

Remember:

You are asking DSHS to authorize a higher rate for the care of a child with special needs. You must give information about the child's additional care needs while in your child care.

In one or more of the follow areas there must be a moderate or significant level of additional care provided which causes additional costs to you:

Any changes to your facility (ramps, railings, noise level) to accommodate the child's physical needs.

1. Walking
2. Eating
3. Sleeping
4. Breathing
5. Toileting/ personal hygiene
6. Hearing
7. Behavior
8. Medical/medication/ special health procedures
9. Other concerns

What special skills or training do you have or need to have to care for the child in question? Has the parent shared specific care instructions with you?

What will your cost be for caring for this child? This is the amount, above and beyond the state standard daily rate, that it costs you to provide care to this child. It may be:

Hourly: _____

Daily: _____

Weekly: _____

Monthly: _____

A few examples of additional costs may be:

You cannot have as many children registered because of the level of care the child needs. You may request the difference for those rates from the state. You are licensed for 6 but can only care for 5, in order to give the child additional care. The extra child's rate is requested from DSHS.)

You have to hire additional staff to assist that child. The cost can be requested from the state.

You may have to buy or rent special equipment. You may request the cost from the state.

KNOW AND UNDERSTAND: WAC 388-290-0220 WAC 388-290-0225 WAC 388-290-0230

Appendix

Acronyms List

AAG	Assistant Attorney General
AG	Attorney General
ALJ	Administrative Law Judge
BGC	Background Check
CA	Children's Administration
CA/N	Child Abuse/Neglect
CAMIS	Case And Management Information System
CAPTA	Child Abuse and Prevention Treatment Act
CARE	Childcare Advocate Resource & Education for Providers (CARE)
CCC	Childcare Check
CFR	Code of Federal Regulations
CIS	Certificate of Immunization Status
CPS	Child Protective Services
CPT	Child Protection Team
CSO	Community Service Office
DASA	Division of Alcohol and Substance Abuse
DCFS	Division of Children and Family Services
DDD	Division of Developmental Disabilities
DEL	Division of Early Learning

DLR/CPS	Division of Licensed Resources/Child Protective Services
DMS	Document Management System
DOH	Department of Health
DSHS	Department of Social and Health Services
ECEAP	Early Childhood Education and Assistance Program
ESA	Economic Childhood Education and Assistance Program
EWFCCA	Eastern Washington Family Child Care Association
FAMLINK SACWIS	New Name for the Children's Administration new Information System,
FLCA	Facility Licensing Compliance Agreement
FRED	Fraud Early Detection System
HRS	Health and Rehabilitation Services
JLARC	Joint Legislative Audit and Review Committee
LE	Law Enforcement
LEAP	Legislative Evaluation and Accountability Program
MLR	Minimum Licensing Requirement
MERIT	Managed Education and Registry Information Tool
NAEYC	National Association for the Education of Young Children
OAH	Office of Administrative Hearings
OCCP	Office of Child Care Policy
OFM	Office of Financial Management
OFR	Office of Financial Recovery
OSPI	Office of Superintendent of Public Instruction

QRIS	Quality Rating and Information System
RCW	Revised Code of Washington
SACWIS	State Automatic Child Welfare Information System, new CA computer system
SEIU925	Service Employee's International Union Local 925
SER	Service Episode Record
SSPS	Social Services Payment System
STARS	State Training And Registry System
TANF	Temporary Assistance for Needy Families
USDA	United States Department of Agriculture
VPA	Voluntary Placement Agreement
WAC	Washington Administration Code
WAEYC	Washington Association for the Education of Young Children
WCCC	Working Connections Child Care
WSFCCA	Washington State Family Child Care Association
WSP	Washington State Patrol

Web Site Link List

C.A.R.E. *Childcare Advocate Resource & Education for Providers* - <http://www.careforproviders.org/index.html>

Consumer Product Safety Commission - <http://www.cpsc.gov>

Council for Children & Families Washington - <http://www.wcpcan.wa.gov/>

Council for Exceptional Children Division of Early Childhood - <http://www.dec-sped.org>
The Division for Early Childhood promotes policies and advances evidence-based practices that support families and enhance the optimal development of young children who have or are at risk for developmental delays and disabilities.

DEL Background Rules - <http://apps.leg.wa.gov/WAC/default.aspx?cite=170-06>

DEL forms - <http://www.del.wa.gov/forms/form.shtml>

DEL Hearing Rules - <http://apps.leg.wa.gov/WAC/default.aspx?cite=170-03>

DEL information for providers - <http://www.del.wa.gov/requirements/info/>

DEL Public Disclosure Request - <http://www.del.wa.gov/resources/records.aspx>

DEL's Web Site - <http://www.del.wa.gov/Default.aspx>

Family Home Childcare WAC's - <http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296>

Foundation for Early Learning - <http://www.earlylearning.org>

National Safe Kids Campaign - <http://www.safekids.org/>

Negotiated Rule Making - <http://www.del.wa.gov/laws/development/negotiated.aspx>

NRM Team - <http://www.del.wa.gov/publications/licensing/docs/NRMTRosterBySubTeam.pdf>

Office of the Family and Children's Ombudsmen - <http://www.governor.wa.gov/ofco/>

RCW's for DEL - <http://apps.leg.wa.gov/RCW/default.aspx?cite=43.215>

Service Employees International Union, Local 925 – <http://www.seiu925.org>

WAC's Covering all DEL areas - <http://apps.leg.wa.gov/wac/default.aspx?cite=170>

Washington State Child Care Resource & Referral Network - <http://www.childcarenet.org/>

WorkFirst - <http://www.workfirst.wa.gov/default.asp>

Working Connections Childcare Rules - <http://apps.leg.wa.gov/WAC/default.aspx?cite=170-290>

CHILDCARE ADVERSE ACTION DEFINITIONS

Administrative Law Judge-An Attorney hired by OAH as a Judge to preside & decide a disputed license issue

Assistant Attorney General-The Attorney that represents DEL staff

Bifurcate or Bifurcation-To separate adverse licensing issues, such as Summary Suspension from Revocation

Case and Management Information System-Old State Computer System with all child related information

CAPTA Hearing-A child abuse or neglect founded finding full Hearing through OAH & not on DEL docket

Child Protective Services-The State Agency that investigates child abuse/neglect in private families

Children's Administration Intake-State agency who takes all reports of child abuse/neglect & screens in/out

Denial-A refusal by DEL to renew or issue a new license

Discovery-Requested Information from State Agency by legal representation in preparation for Hearing

Division of Licensed Resources/Child Protective Services-The State Agency that investigates licensed facilities

DLR/CPS Supervisory Review-A DLR/CPS Dept Head Staff Review of a founded finding for child abuse/neglect

Expedited Stay Hearing-Speeded Up process (4-6 weeks?) to try to reopen a Provider who has been shut down

Facility Licensing Compliance Agreement-Written notice of alleged WAC violation & intention of DEL to enforce

Final Decision- Decision by a Review Judge that has looked at the ALJ's Initial Decision

Incident Report-A written report required by WAC to detail an incident or injury of a childcare child

Initial Decision-ALJ decision made after a full OAH Hearing

Licensed Child Care Information System-LCCIS-The State Information System for Parents on Childcare

Modification-A change of any term of a original license

Negotiated Rule Making Team-30+ Members DEL,SEIU,Providers,CARE,Parents,R&R writing new WAC's

Office of Administrative Hearings-State Agency in charge of Administrative Law Hearings to settle license issues

Permanent Disqualification List-A list of issues that permanently disqualify a person to do childcare

Public Disclosure Request-A request for records from any Agency

Request for Reconsideration-An OAH Review Judge asked to reconsider their Review Decision of Initial Order

Request for Review-A DEL employed Attorney asked to review the Initial Order of an OAH ALJ

Revised Code of Washington– RCW-The Laws of Washington State

Revocation-Formal act of closing your business & taking your license

Service Episode Record-A DEL Licensor written record done for every collateral contact-phone, visit, consult

Summary Intake Assessment-Final Investigation Report by DLR/CPS Investigator for child abuse/neglect

Supervisory Review-A review by a Supervisor of a FLCA issued. Providers request these when they do not agree with the FLCA issued

Suspension-A license that is put on hold but your child care is not immediately shut down

Summary Suspension-The immediate shutting down of your FCC business

Washington Administrative Code-WAC –The rules that apply or administer the laws of Washington State

LEGAL ASSISTANCE

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Deborah Rosser: 360-574-7678

www.apreweb.com

CARE (Childcare Advocate Resource and Education for Providers)

Cassandra Clemens: 360-636-4289

www.careforproviders.com

Columbia Legal Services

www.columbialegal.org

An updated list of lawyers is available to you, by calling the SEIU Member Support Department, at 1-877-734-8673.