

## Early Childhood Council Waiver Request

### Application

ECE Council Name: Mesa County Partnership for Children and Families	Date: 7-15-2019
Primary Contact: Corina Otero, Council Coordinator	Phone: (970) 244-0618
Mailing Address: 1129 Colorado Ave, Grand Junction, CO 81501	Email: corinao@htop.org

1. Please cite the rule or regulation (Including rule/regulation number, and specific language of the rule/regulation creating the barrier) for Waiver Request:

Currently, there is a severe shortage of qualified applicants for vacant Early Childhood Teacher (ECT) positions in Mesa County, with centers operating under 75% of capacity. In order to address this current workforce crisis, the Child Care 8,000 (CC8K) initiative conducted a community wide planning process to develop long term goals and strategies to close the ECT gaps. We are requesting Mesa County Child Care Centers and Preschools with a Colorado Shines Level of 3 or higher, who are in good standing with Child Care Licensing, be allowed to hire people into the ECT position who are not yet fully qualified, with a grace period of up to 12 months for the ECT to complete all qualifications. As of May 2019, there are 20 programs meeting this criteria.

The grace period would apply to the italicized sections of the regulations written below:

CODE OF COLORADO REGULATIONS 12 CCR 2509-8 Social Services Rules  
49

7.702.44 A. 1

*Qualifications for Other Staff Members*

*A. Early Childhood Teacher*

*1. An early childhood teacher, assigned responsibility for a single group of children and working under the supervision of a director, must be at least eighteen (18) years of age and must meet at least one of the following qualifications:*

*a. A Bachelor's degree from a regionally accredited college or university with a major area of study in one of the following areas:*

- 1) Early childhood education;*
- 2) Elementary education;*
- 3) Special education;*
- 4) Family and child development; or,*

5) Childpsychology.

b. A Bachelor's degree from a regionally accredited college or university with a major area of study in any area other than those listed at Section 7.702.54, A, 1, A and additional two (2) three-semester hour early childhood education college courses with one course being either introduction to early childhood education or guidance strategies;

c. Current early childhood professional Credential Level III Version 2.0 as determined by the Colorado Department of Education;

d. A 2-year college degree, sixty (60) semester hours, in early childhood education from a regionally accredited college or university, which must include at least two (2) three-semester hour courses, one of which must be either introduction to early childhood education or guidance strategies; and at least six (6) months (910 hours) of satisfactory experience;

e. Completion of twelve (12) semester hours from a regionally accredited college or university, at either a two-year, four-year or graduate level, in each of the following subject or content areas in early childhood education and one of the three (3) semester hour courses must be either introduction to early childhood education or guidance strategies, plus nine (9) months (1,395 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;

f. Completion of a vocational or occupational education sequence in child growth and development plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual;

g. Current certification as a Child Development Associate (CDA) or other Department-approved credential;

h. Completion of a course of training approved by the Department that includes training and work experience with children in a child growth and development program plus twelve (12) months (1,820 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual; or,

i. Twenty-four (24) months (3,640 hours) of verified experience in the care and supervision of four (4) or more children less than six (6) years of age who are not related to the individual. Satisfactory experience includes being a licensee of a Colorado family child care home; a teacher's aide or teacher in a child care center, preschool, or elementary school, plus either:

1) A current Colorado Level I credential; or,

2) Two (2) three-semester hour early childhood education college courses from a regionally accredited college or university, at either a two-year, four-year or graduate level, in each of the following subject or content areas with one course being either introduction to early childhood education or guidance strategies.

2. All college course grades toward early childhood teacher qualifications must be "C" or better.

2. Please list any statute or legislation associated with the rule/regulation cited above: (Please note: state statutes cannot be waived.)

Title 26. Human Services Code Article 1. Child Care Centers, Part 1. Child Care Licensing C.R.S. 26-6-106: Standards for facilities and agencies - rules

(2) Standards prescribed by such rules are restricted to:

(b) The character, suitability, and qualification of the applicant for a license and of other persons directly responsible for the care and welfare of children served, including whether an affiliate of the licensee has ever been the subject of a negative licensing action:

(d) The number of individuals or staff required to insure adequate supervision and care of children served

### 3. Reason for Request (IN DETAIL - Describe the barrier this Waiver addresses in implementing an early childhood project)

We do not have an adequate pipeline of qualified Early Childhood Lead Teacher applicants to fill open positions in licensed child care centers and preschool programs. Currently, more than 25% of our ECE slots go unfilled each day due to the teacher shortage in Mesa County. Focus groups, surveys, and community discussions show that parents are using less than desirable or unlicensed care simply to be able to go to work; business leaders have unfilled positions due to lack of child care; and CDA students don't enroll or complete the certification due to class hours and potential pay after completion.

According to recent local data:

- There are little to no child care openings for infants 0-18 months
- Facilities are operating at about 75% capacity due to lack of qualified staff
- The annual decreases of child care workers is at 6%
- Licensed family child care homes have decreased by 60% due to a retiring workforce

Our local Mesa County data aligns with the findings in *Colorado's Early Childhood Workforce Survey 2017: Findings from Southwest Colorado*, in which 73% of Directors report significant difficulty in filling teaching positions, taking an average of 2.3 months to fill an opening. In result of this deficit, 56% of directors indicate that they are forced to hire unqualified staff to keep rooms open.

### 4. Please explain how waiving this rule/regulation is the only available method to implement the early childhood project:

In spite of the local and collaborative strategies we have developed as well as multiple CDA cohorts, Mesa County is struggling to address our immediate child care workforce crisis. The need for additional training, recruitment, and retention of ECT qualified staff continues to emerge as a top concern in our work with providers, parents, and our Early Childhood Council. ECT vacancies result in centers having to close classrooms which impacts their bottom line, having to hire unqualified staff which impacts safety and quality, or having to close their sites altogether.

The grace period for high quality centers to fill the vacant positions with candidates who are in the process of completing the qualifications will allow directors to select the best candidates while ensuring the new ECT receives the support needed to thrive, under strict supervision to

ensure children's safety and well being.

The long term workforce strategies underway are an important component of the Child Care 8,000 (CC8K) initiative which aims at expanding child care in Mesa County. We are working toward a career pipeline of qualified candidates by funding CDA classes, planning to develop a substitute pool, and working on expanding the WIOA program to more child care centers. Partners in these efforts include: Mesa County Public Health, Mesa County Workforce Center, Early Learning Ventures, Western Colorado Community College, Colorado Mesa University, and the Early Childhood Council/Mesa County Partnership for Children and Families (PCF).

**5. How will Waiver Approval positively impact children, families, and/or your community?**

The waiver will positively impact children, families, and the Mesa County community in general in the following ways:

- Adequate staffing will create more child care options for families allowing them select a child care that meets their individual needs, and removing child care as a barrier to employment.
- Adequate staffing will help with child care business expansion which will impact their profit potentially resulting in higher wages for ECT.
- Ample child care options in a community benefit all industries through workforce recruitment and retention.
- Adequate staff helps with child care quality, ensures the safety of our children, and improves individualized care.
- Center directors and current staff will benefit from increased support within the center, easing exhaustion and depression rates.

This waiver will help address some of the needs expressed in *The Colorado Early Childhood Workforce Survey 2017: Findings from Southwest Colorado, and the CC8K Business Plan* as gaps in staff are creating barriers in service, increased rates of providers qualifying for public subsidies, increased rates of depression among teachers that are twice as high as the general population, emotionally and physically duress, as well as a result in unprofitable centers.

**6. Please describe stakeholder outreach. Who are all the affected parties of this Waiver Request? (You may attach letters from affected parties)**

All licensed child care centers and preschools are impacted by the lack of qualified ECT workforce in Mesa County. This waiver is limited to Mesa County sites which are in good standing with Child Care Licensing and have a Colorado Shines rating of 3, 4 or 5. As of May 2019, there are 20 sites including 12 school district sites that meet this criteria. As well as 11 sites that are in the rating queue waiting to be Colorado Shines Rated.

The Mesa County Partnership for Children and Families (Early Childhood Council) completed a six month strategic planning process in May of 2019 and listed ECE workforce as a

significant concern and a focus for CC8K. Mesa County Public Health released a CC8K business plan in April of 2019 which identified two workforce priorities based on feedback from focus groups, key informant interviews, and literature research. The priorities are:

- Expand staff development and training in order to address staffing challenges, support expansion of ECE for children while improving classroom quality.
- Create a Substitute or Temp-to-Hire Pool to support ECE providers with coverage, promote staff retention and training time, and ensure that children can be served.

This waiver is supported by the early childhood industry and the business community in general as shown by the attached letters of support from Mesa County School District 51, Mesa County Department of Human Services, Landmark Christian Preschool, and Little Mav's Center.

7. Do you have any evidence to demonstrate that compliance with the specific rule creates a substantial undue burden? (If so, please attach)

The results of the Workforce Surveys provide compelling evidence that filling vacant lead teacher positions with fully qualified candidates in a timely manner is not possible given the lack of qualified candidates. In attempting to be in compliance within the regulation 7.7.02.44 A.I, these programs result in understaffed classrooms, burden on directors, reducing access to child care for families, more transitions for families, and in directors settling to hire unqualified staff. The evidence describing this issue is detailed in question 3.

8. If this rule/regulation is waived, how will you meet its intended purpose? (Ex: diversity of stakeholders, health and safety of children in care, etc.)

With child safety and well-being as the primary consideration, we have carefully considered the safeguards that need to be in place, reviewed other waivers, and propose the following.

1. The program will have a current Colorado Shines Level 3, 4 or 5 rating and be in good standing with Colorado Child Care Licensing.
2. The program must require the participant to submit the Provisional Early Childhood Teacher (P-ECT) application for notification purposes to the Office of Early Childhood (included within the Mesa County Sample Materials for P-ECT).
3. The program will sign a program agreement which commits to the below provisions to ensure children's safety and well-being. PCF will send this agreement to the Office of Early Childhood (OEC) at the Colorado Department of Human Services for review. OEC may consider any adverse actions when reviewing the application and providing feedback to PCF.
  - a. A program shall have no more than 20% of the staff members employed as Provisional Early Childhood Teacher (P-ECT) P-ECTs at any one time.
  - b. The P-ECT must have completed all pre-service and annual mandatory training.
  - c. The P-ECT must meet one of the following minimum qualifications upon hiring: Assistant ECT, Level I Credential, or a Bachelor's degree in an unrelated field.

- d. The program, in collaboration with the P-ECT, shall create a professional development plan with detailed, attainable steps that show the path to becoming fully certified within the 18-month waiver period. The plan will be signed by both the director/assistant director and the P-ECT before submission and must be kept at the center where licensing may review. Monthly progress on the plan must be documented and included with the file. A template for this plan is attached.
- e. The program will email the Provisional ECT Application to PCF and to CDHS upon employment of a P-ECT.
- f. CDHS will issue a P-ECT letter and email to the P-ECT, the program and PCF within 3 working days. This is for acknowledgement of receipt not a formal approval.
- g. If the P-ECT is working with toddlers, the P-ECT must have or complete next available EQIT Course (or ECE 111).
- h. For the first eight weeks, the P-ECT shall have another staff person (minimum of Assistant Teacher qualified) present during all times that would otherwise require a fully qualified ECT.
- i. For the first eight weeks, the P-ECT will be observed for a minimum of 30 minutes per week by the director/assistant director. These observations must occur at varying times of the day, and at least one must be uninterrupted.
- J. For the first eight weeks, the P-ECT will meet with his/her supervisor for a minimum of 30 minutes per week to reflect, debrief, and receive support. After eight weeks, these meetings must occur no less frequently than once per month.
- k. All observations and supervisory meetings shall be documented on the attached form and this documentation shall be available for licensing to review and a copy given to the P-ECT.
- l. The P-ECT must complete all requirements to be fully qualified under 7.7.02.44 AI within 12 months of being hired into the position.

A packet of materials has been developed which will be provided to any program wishing to take advantage of this waiver and includes:

- P-ECT application
- A document tracking form for each step
- A professional development plan
- A checklist to track dates/times of observation and supervisory meetings
- An observation form to be used with the P-ECT

These forms were developed based on other successful waiver requests.

9. On what date would you like the Waiver to START?  
Immediately

10. On what date would you like the Waiver to END?  
We request a minimum of three years from approval date to evaluate the impact.



11. Is there a fiscal impact to implementing this Waiver? (Please describe any anticipated financial impact)

There is no State fiscal impact. The fiscal impact is to providers who support this request to allow CDA trainees to earn wages while gaining in clock hours. The Department of Labor requires the employer to cover the cost of training and college classes and pay the employee's time to attend trainings and or classes. The child care centers engaged in this dialogue are willing to absorb the cost of wages to gain a qualified lead teacher.

12. How will you evaluate the effectiveness of this rule/regulation waiver if approved?

An increased number of qualified ECTs and reduction of child care program staff vacancies would validate the effectiveness of this waiver if approved. As part of the agreement to participate in this waiver, programs must agree to share data with PCF and CC8K to support an evaluation of the waiver's effectiveness including:

- # of participants and demographics
- Monthly center capacity
- Retention and turnover rates
- # successfully completing ECT qualifications within waiver period, and licensing option pursued
  - o If not completed, reason why

PCF will collect data from the employer and employee on the success of this waiver in regards to length of time until hiring, impact on staff vacancy, impact of child slots, and feedback on the waiver process/form. This information is valuable in tracking the development of a successful career pipeline for future early childhood professionals.

13. Additional Comments: This opportunity is unique in that Mesa County Public Health holds the licensing contact in house and is in support of these efforts.

Submit completed application to ECLC staff. For more information: [hpiVYrfw@gmch:NIJoodcolorado\\_9re!early.childhood:sguOOI!](mailto:hpiVYrfw@gmch:NIJoodcolorado_9re!early.childhood:sguOOI!)

SIGNED:



ECC Coordinator Name



ECC Coordinator Signature



ECC Membership Chair Name

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Membership Chair Signature

Submit completed application to ECLC staff. For more information: [hH9-fbn:w91llvs:bildhoodcolorado.com/culy-chiJdhogd:sgupcil!](mailto:hH9-fbn:w91llvs:bildhoodcolorado.com/culy-chiJdhogd:sgupcil!)

Early Childhood Council Waiver Request  
**Colorado Department of Human Services Written Statement**

Early Childhood Council Name: <b>Mesa County PCF</b>	Waiver #: <b>19-02</b>
CDHS Contact (Name and Position): <b>Teresa Ribble; Licensing Supervisor</b>	Phone: <b>(303) 866-4191</b>
Email: <b>teresa.ribble@state.co.us</b>	Date: <b>7/25/19</b>

- **Confirm Rule and Citation: Is the rule on the Application eligible for Waiver Review? (ie. the rule is listed in CCR 2509 and not noted in state statute)**

YES: ☒ NO: ☐

- **Is the correct citation used on the Waiver Application?**

YES: ☒ NO: ☐

*If citation is incorrect, please cite the correct one here:*

- **Implications of Waiver Approval on the health and safety of children (Does approval of this waiver request have anticipated implications on the health & safety of children?):**

CDHS believes this waiver could have some negative implications on children's cognitive and social development during this critical growth period. When an adult with little or no experience or education in early childhood who has minimal supervision and oversight; it becomes a risk for children's social-emotional and academic development. Staff members need to use their knowledge of child development and guidance strategies in order to work appropriately with the children in their care. Additionally, children need to have continuity of care, particularly vulnerable children and families, as it is essential to create positive long-term outcomes for future academic and social success.



- The Department has reviewed this Waiver Request for Health & Safety concerns and has the following comments:

Please see the attached page for the Department's recommendations and comments. The Department requests the recommended requirements be added to the original waiver to address health and safety concerns.

**SIGNED:**

Teresa Ribble

State Agency Representative Name

Teresa Ribble

State Agency Representative Signature

**These comments and/or recommendations are in addition to the Mesa County Partnership for children and Families waiver documentation submitted to the Department for approval**

1. In response to Question #6, the Department would like further details regarding the statement there were 12 school district sites meeting the Colorado Shines Level 3-5 and are in good standing with the Division of Early of Early Care and Learning. Is this waiver going to be proposed to these 12 school district sites?
2. In response to Question #6, the Department would recommend adding that the programs that participate in this waiver, not only meet the Level 3-5 Colorado Shines rating, be in good standing with the Department, and not have had any adverse actions taken within the last 12 months.
3. In response to Question #8 Point 2, the Department recommends the P-ECT applicant will submit an application to the Department with verifiable documentation of current qualifications to obtain a P-ECT letter prior to working with children. The letter will expire one year after the date of the application approval. The P-ECT letter will have a revocation clause and may be revoked if substantial evidence has been found that the director is responsible for one or more of the following at any child care facility, including, but not limited to:
  - a. Committing fraud;
  - b. Responsible for egregious or repetitive grounds for negative licensing actions;
  - c. Providing false information;
  - d. Providing false transcripts for self or staff; or,
  - e. Providing false letters of experience for self or staff
4. In response to Question #8 Point 3a, the Department has health and safety concerns stating “a program shall have no more than 20% of the staff members employed as a Provisional ECT at any one time”. The Department recommends the total number of P-ECTs to be capped at 2 in a program at any one time.
5. In response to Question #8 Point 3i, the Department recommends adding a plan for continued observations by the Director/Assistant Director after the first 8 weeks to occur no less than once per month during the 12 month P-ECT time period.

6. In response to Question #10, the Department recommends the waiver approval for 18 months to evaluate the impact.
7. In response to Question 12, the Department asks that any shared data to with PCF and CC&K be shared with OEC. The participating facilities will communicate any reports, requests, forms, and general waiver information to our Appeals and Waivers email address [cdhs\\_childcare\\_appeals@state.co.us](mailto:cdhs_childcare_appeals@state.co.us)
8. The Department recommends PCF to have a tracking system of those P-ECT's participants who are still employed after the 12 month period.



## **Early Childhood Council Waiver Request**

### **Recommendation from ECLC Waiver Review Subcommittee**

Early Childhood Council Name: Mesa County Partnership for Children and Families	Waiver #: 19-02
CDHS Staff: Teresa Ribble and Carin Rosa	Date: 08/07/19
Recommendation to ECLC: Approve the waiver request	

#### **1. Summarize Waiver discussion:**

The waiver #19-02 was requested for approval to create a Provisional- Early Childhood Teacher (P-ECT) qualification. This waiver was requested in order to address the current workforce crisis and allow educators to reach the full ECT qualification more quickly. The Mesa County Partnership for Children and Families is asking for Child Care Centers and Preschools which meet specific conditions to be allowed to hire people into an Early Childhood Teacher (ECT) position who have certain education or experiences but have not yet met all of the ECT qualifications and allows them a period of up to 12 months to complete all ECT requirements. During this time, the center would provide additional supports, such as enhanced coaching, reflective supervision and classroom observations.

The Waiver Review Subcommittee met on August 7, 2019 at 1:00pm. Representatives from Mesa County Partnership for Children and Families, Mesa County Public Health Department and Colorado Department of Human Services (CDHS) were present. The Subcommittee discussed several clarifications around the waiver application.

#### **2. Recommendation from ECLC Waiver Review Subcommittee:**

ECLC Waiver Review Subcommittee recommends approval of the waiver request for 18 months, with the following modifications:

- That the programs that participate in this waiver, not only meet the Level 3-5 Colorado Shines rating, be in good standing with the Department, and not have had any adverse actions taken within the last 12 months.
- The P-ECT applicant will submit an application to the Department with verifiable documentation of current qualifications to obtain a P-ECT letter prior to working with children. The letter will expire one year after the date of the application approval. The P-ECT letter will have a revocation clause.
- The total number of P-ECTs to be capped at 2 in a program at any one time.
- A plan for continued observations by the Director/Assistant Director after the first 8 weeks to occur no less than once per month during the 12 month P-ECT time period.
- Any data collected by Mesa County Partnership for Children and Families or Mesa County Public Health is shared with the Office of Early Childhood in addition to the ECLC.
- The Council will also work to collect data on placement of the participants after the 12 month period to document retention in the field.
- Mesa County Partnership for Children and Families noted that many of their high



quality settings are part of the school district; the ECLC will explore how this waiver (if approved) pertains to programs within school districts and will provide further guidance. At this time, the waiver only applies to community based child care settings licensed by CDHS.

Mesa County Partnership for Children and Families shall provide a status update to the ECLC of the Provisional-Early Childhood Teacher Program after 6 months and 12 months. After the 18 months approval period, the Mesa County Partnership for Children and Families should provide an additional update on the waiver and the ECLC can determine whether it should be extended.

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**TO BE COMPLETED AT NEXT FULL ECLC MEETING**

<b>Date of ECLC Meeting:</b> August 22, 2019
<b>ECLC Waiver Decision and Conditions:</b> Waiver #19-02 requested by Mesa County Partnership for Children and Families waiver was approved unanimously with the inclusion of the recommendations created by the Waiver Review Subcommittee with confirmation that programs within school districts can apply for the waiver. The #19-02 waiver was approved for 18 months with updates at 6 months, 12 months and 18 months.