



STATE OF WASHINGTON
DEPARTMENT OF EARLY LEARNING
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January 8, 2009

TO: All DEL Licensing Staff and Supervisors

FROM: Larry Horne, Quality Division Assistant Director
Joshua Verville, Southwest Service Area Manager
Robert McLellan, Northwest Service Area Manager
Karri Livingston, Eastern Service Area Manager

SUBJECT: Licensing Complaint Findings

Overview

On January 1, 2009 DEL officially adopted a two-tier system when issuing complaint findings. This will mean that DEL licensing staff will have to select either **valid** or **not valid** for all licensing complaint findings.

DEL field-tested this new policy and procedure in three of our licensing offices – Kennewick, Bellevue and Tacoma. The purpose of the pilot was to gather input from licensors. The process was a success and DEL was able to gather valuable information from the field regarding the decision making process around complaint inspections.

Results

Beginning January 1, 2009, only **valid** and **not valid** may be used for complaint inspection findings. Decisions must be based on a **preponderance of evidence** (standard of proof).

- According to Black's Law Dictionary, **preponderance of the evidence** is: *The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but evidence that has most convincing force; superior evidentially weight that, through not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.*

Licensors will **not** have to go back and re-inspect complaints that have an inconclusive finding.

Outcomes

The new two-tier system will

- Help parents, as well as providers, to better understand the basis for the licensor's decision.
- Give parents more concrete information when selecting child care.
- Demonstrate consistency and transparency in licensing practice.

Please contact Hans Dettling (Quality Improvement Manager) or Lisa Larue (Licensing Program Administrator) – or your ASAM – for more information.

Thank you for your immediate attention and adherence to this memorandum.