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| The Early Start Act mandated that DEL update the child care licensing rules so that the early learning system has a unified set of foundational health, safety and child development regulations that are easy to understand and align with other requirements by providers in the field. (RCW 43.215.201)DEL is taking a transparent, methodical, and inclusive approach to this legislatively-mandated process.  The Child Care and Development Block Grant Act of 2014 updated the federal child care law, placing an emphasis on quality child care. There are new requirements related to children’s health and safety. The implementing regulations specify that lead agencies (which, in Washington, mean the Department of Early Learning) can rely on Caring for Our Children Basics (http:// www.acf.hhs.gov/programs/ecd/caringfor-our-children-basics) for any minimum standards required by the federal law and regulations. (See Fed Register https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-22986.pdf Page 67484 last column) The regulations go on to state, “Lead Agencies are encouraged, however, to go beyond these baseline standards to develop a comprehensive and robust set of health and safety standards that cover additional areas related to program design, caregiver safety, and child developmental needs, using the full Caring for Our Children: National Health and Safety Performance Standards guidelines.” (Id.) This is precisely what the Department of Early Learning has done in these proposed regulations in addition to proposing regulations that directly implement the federal requirements.  This section sets the expectations for providers in critical areas including staff qualifications, training, program policies and procedures for staff evaluation and supervision, recordkeeping, and other staff supports. Differences in settings have been considered, with differentiation between family home and center requirements as appropriate. | | | | | | | | | |
| **General staff qualifications** | | | | | | | | ***HS/ECEAP TEAM COMMENTS*** | |
| **Family Home WAC** | **Center WAC** | | | | | **Proposed WAC** | | ***Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language*** | ***Conflicts with ECEAP, Head Start, Schools District Standards and Practices*** |
| **170-296A-1700-Licensee minimum age**  The minimum age to be a licensee is eighteen years old.  **170-296A-1725-Licensee minimum education**  (1) For any initial family home child care license issued on or after March 31, 2012, the applicant must have a high school diploma.  (2) If the applicant does not have a high school diploma, he or she must submit written evidence of equivalent education. As used in this section, "equivalent education" means:  (a) Passing the general educational development (GED) tests;  (b) Completion of twelve years of elementary and secondary education;  (c) Possessing a current child development associate (CDA) credential as approved through the council for professional recognition;  (d) Completion of forty-five credits of post secondary education; or  (e) Completion of the department approved early childhood education initial certificate.  (3) In addition to equivalent education defined within this section, a family home child care licensee licensed prior to March 31, 2012, and continuously maintaining the license may meet the "equivalent education" requirement by achieving a level three rating in the early achievers program, Washington state's quality rating improvement system, prior to March 31, 2017.  **170-296A-1735- Minimum education—Licensees licensed prior to March 31, 2012.**  Effective March 31, 2017, every family home child care licensee, including licensees licensed prior to March 31, 2012, must meet the minimum education requirements of WAC [170-296A-1725](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1725).  **170-296A-1925-Assistants and volunteers-Supervision**  (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff person at all times.  (2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.  (3) The licensee or primary staff person must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond. When the licensee or primary staff person is the only supervisor, the assistant or volunteer may be in visual or auditory range for brief periods of time while the licensee or primary staff person attends to their personal needs on the premises.  **170-296A-1950-Assistants and volunteers minimum age**  The minimum age to be an assistant or volunteer is fourteen years of age.  **170-296A-1900-Primary staff Person minimum age**  A primary staff person must be a minimum of eighteen years of age.  **170-296A-1975-Licensee/staff qualifications and requirements table**  The following table summarizes the licensee and staff qualifications and requirements found in WAC [170-296A-1700](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1700) through [170-296A-1950](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1950), and [170-296A-7675](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-7675). An "X" indicates a requirement.  Chart  **170-296A-1875-Primary Staff Person**  Other than the licensee, only an individual meeting all the qualifications of a primary staff person is qualified to be left unsupervised with the children in the licensed family home child care. | **170-295-1010-Who Can be the director of a child care center?**  The director must:  (1) Be at least twenty-one years of age or older;  (2) Have knowledge of child development as evidenced by professional reference, education, experience, and on-the-job performance;  (3) Have written proof of education including:  (a) A current child development associate certificate (CDA); or  (b) The following minimum number of college quarter\* credits or combination of college quarter credits and department-approved clock hours (ten clock hours equals one college credit) in early childhood education or child development:   | Chart |  |  |  | | --- | --- | --- | --- | |  |  |  |  | |  |  |  |  | |  |  |  |  |   (4) Have at least two years experience working with children the same age level as the center serves;  (5) Not let the provision of child care interfere with management or supervisory responsibilities;  (6) Be on the premises for the majority of the hours that care is provided and designate a person to be in charge that meets the qualifications of a lead teacher when not present; and  (7) Meet the STARS requirement and be listed in the state training and registry system (STARS).  **170-295-1020-What if the director does not meet the minimum qualifications?**  If the director does not meet the requirements in WAC [170-295-1010](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-1010), you must have a program supervisor who:  (a) Meets all the qualifications of WAC [170-295-1010](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-1010);  (b) Oversees the planning and supervising of the center's learning and activity program to ensure that practices meet the WAC, are varied and developmentally appropriate; and  (c) Performs on-site program supervisory duties twenty hours or more a week and is not included in the staff to child ratio. If we request it, you must provide documentation of the twenty hours or more a week on site supervisory duties for the program supervisor.  (2) If the director does not meet the minimum requirements in WAC [170-295-1010](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-1010) the director must have had at least one three credit college class in early childhood education or development.  (3) One person may be both the director and the program supervisor when qualified for both positions. The director or program supervisor must be on the premises for the majority of the hours that care is provided. If temporarily absent from the center, the director or program supervisor must leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.  (4) The director or program supervisor may also serve as child care staff when that role does not interfere with management and supervisory responsibilities.  **170-295-1030-Who can be a lead teacher in a child care center**  The lead teacher is a child care staff person who is in charge of a child or group of children and implements the activity program. The lead teacher must:  (1) Be at least eighteen years of age or older;  (2) Have completed a high school education or the equivalent; and  (3) Have documented child development education or work experience; **or**  (4) Complete STARS training within six months of becoming a lead teacher  **170-295-1040-Who can be an assistant or aide in a child care center**  You may assign a child care assistant or aide to support the lead child care staff.  (1) The assistant or aide must be:  (a) At least sixteen years of age; and  (b) Under the direct supervision of a lead child care staff person.  (2) You may assign an assistant who is age eighteen or older to care for a child or a group of children under direct supervision of a lead staff person. This person may have sole responsibility for a group of children without direct supervision by a superior for a brief period of time.  (3) You must not assign a person under the age of eighteen years sole responsibility for a group of children.  **170-295-1050-Who can be a volunteer in a child care center**  You may arrange for a volunteer to support lead child care staff. The volunteer must:  (a) Be at least sixteen years of age or older; and  (b) Care for children under the direct supervision of a lead child care staff person at all times.  (2) You may count the volunteer in the staff-child ratio when the volunteer meets staff qualification requirements and is sixteen years of age or older. | | | | | **170-300-0100**  **General staff qualifications.**  All early learning providers must meet the following requirements prior to working with children:  (1) **Family Home Early Learning Program Licensees** (or “Family Home Licensees”) work from their family home to provide early learning programing to a group of no more than 12 children. Weight NA  (a) A Family Home Licensee must meet the following qualifications:  (i) Be at least 18 years old;  (ii) Have an ECE Initial Certificate or high school diploma or equivalent, as approved and verified in the electronic workforce registry by the department, within three years of the date this section becomes effective or from being licensed;  (iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108. Weight #1  (b) Family Home Licensees must:  (i) Be dependably available for the daily operation of the early learning program 50 percent or more of weekly operating hours; Weight #5  (ii) Ensure the early learning program meets Foundational Quality Standards and is developmentally appropriate for the ages of children being served; Weight #5  (iii) Develop a curriculum philosophy and communicate the philosophy to all early learning program staff and parents. Ensure the curriculum philosophy serves all ages of children in the early learning program or designate a Lead Teacher with this responsibility; Weight #1  (iv) Have knowledge of community resources available to families, including resources for children with special needs and the ability to share these resources with families; and Weight #1  (v) Oversee early learning program staff and provide support to staff for creating and maintaining staff records in the electronic workforce registry. Weight #1   1. **Center Early Learning Program Licensees** (or “Center Licensees”)must meet the requirements of a Center Director, listed in WAC 170-300-0100(3), or hire a Center Director who meets the qualifications prior to being granted an initial license. Center Licensees who fulfill the role of Center Director in their early learning program must complete all trainings and requirements for Center Directors. Weight #1 2. **Center Directors** or **Assistant Directors** manage the early learning program and set appropriate program and staff expectations.    1. The Center Director or Assistant Director must meet the following qualifications:   (i) Be at least 18 years old;  (ii) Have an ECE State Certificate or equivalent, as approved and verified in the electronic workforce registry by the department, within three years of the date this section becomes effective or from being employed at any licensed early learning program or licensed;  (iii) Have two years of experience as a teacher of children in the age group(s) enrolled in the center and six months of experience in administration or management; and  (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108. Weight #6  (b) The Center Director or Assistant Director must provide the following services:  (i) Be dependably available for the daily operation of the early learning program 50 percent or more of weekly operating hours, or designate a person with the qualifications of an Assistant Director or Program Supervisor to be on site when not present. Occasionally, a Director may act as a substitute teacher as long as it is not a regular duty which may interfere with management or supervisory responsibilities.  (ii) Ensure the early learning program meets Foundational Quality Standards and is developmentally appropriate for the ages of children being served;  (iii) Ensure there is a curriculum philosophy and the philosophy has been communicated to all early learning program staff and parents. Ensure the curriculum philosophy serves all ages of children in the early learning program or designate a Program Supervisor with this responsibility;  (iv) Have knowledge of community resources available to families, including resources for children with special needs and be able to share these resources with families; and  (v) Oversee early learning program staff professional development plans such as:   1. Providing support to staff for creating and maintaining staff records in the electronic workforce registry; 2. Setting educational goals with staff and locating or coordinating state-approved training opportunities for staff; and 3. Observing and mentoring staff. Weight #6 4. **Center Program Supervisors** oversee planning in the early learning program under the supervision of a Center Director or Assistant Director.   (a) Program Supervisors must meet the following qualifications:  (i) Be at least 18 years old;  (ii) Have an ECE State Certificate or equivalent, as approved and verified in the electronic workforce registry by the department, within three years of the date this section becomes effective or from being employed at any licensed early learning program or licensed;  (iii) Have at least two years of experience as a teacher of children in the age group(s) enrolled in the center; and  (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108. Weight #5  (b) Program Supervisors perform the following duties:  (i) Guide the planning of curriculum philosophy, implementation, and environmental design of the early learning program;  (ii) Ensure practices in the early learning program meet Foundational Quality Standards and are developmentally appropriate for the ages of children being served;  (iii) Supervise programs on site at least 50 percent or more of weekly operating hours without being included in the staff-to-child ratio;  (iv) Manage the professional development plans and requirements for staff as needed. The Program Supervisor may also perform classroom teaching duties so long as they continue to follow the requirements of subsection (b)(iii); and Weight #5  (v) One person may be both the Center Director, Assistant Director, and the Program Supervisor when qualified for both positions, provided that all requirements of WAC 170-300-0100(3)(a) and (b) are met. Weight NA  (5) **Lead Teachers** are responsible for implementing the center or family home early learning program.  (a) Lead teachers must meet the following qualifications:  (i) Be at least 18 years old;  (ii) Center Lead Teachers must have a minimum of an ECE State Certificate or equivalent as approved and verified in the electronic workforce registry by the department within three years of the date this section becomes effective or from being employed at any licensed early learning program;  (iii) Family Home Lead Teachers must have a minimum of an ECE Initial Certificate or high school diploma or equivalent as approved and verified in the electronic workforce registry by the department within three years of the date this section becomes effective or from being employed; and  (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108. Weight #5  (b) Lead Teachers perform the following duties:  (i) Be dependably available for the daily operation of a Family Home Early Learning Program when the Family Home Licensee is not present;  (ii) Promote an educational and nurturing indoor and outdoor learning environment that meets enrolled children’s developmental needs; and  (iii) Lead Teachers must have the ability to respond appropriately to children’s needs and communicate with parents. Weight #5   1. **Assistant Teachers** work to assist a Lead Teacher or licensee in center or family home early learning programs.   (a) Assistant teachers must meet the following qualifications:  (i) Be at least 18 years old;  (ii) For center early learning program, have a minimum of an ECE Initial Certificate or high school diploma or equivalent as approved and verified in the electronic workforce registry by the department within three years of the date this section becomes effective or from being employed at any licensed early learning program;  (iii) For family home early learning program, have an ECE Initial Certificate or high school diploma or equivalent as verified and approved by the department, or be currently enrolled in high school or equivalent education program;  (iv) Assistant Teachers working in this role before this section becomes effective must obtain an ECE Initial Certificate or high school diploma or equivalent within three years of the date this section becomes effective;  (v) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108; and  (vi) Assistant Teachers who have an ECE Initial Certificate or high school diploma equivalent may occasionally work alone with children for short periods of time (generally 60 minutes or less). In this section, a short period of time means the time necessary to step out of a room to do program planning, talk with parents, or go to an off-site appointment. Weight #5  (b) Assistant Teachers perform the following duties:  (i) Assist Lead Teachers or Family Home Licensees to provide instructional support to children and implement developmentally appropriate programs; and  (ii) Be able to carry out job duties under the supervision of a Lead Teacher, Program Supervisor, Director, Assistant Director, or Family Home Licensee. Weight #5  (7) **Instructional Aides** provide classroom organizational support to a Lead Teacher, Program Supervisor, Center Director, Assistant Director, or Family Home Licensee.  (a) Instructional Aides must meet the following qualifications:  (i) Be at least 16 years old;  (ii) Have a high school diploma or equivalent as verified and approved by the department, or be currently enrolled in high school or equivalent education program;  (iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108; and  (b) Instructional Aides may be counted in the staff-to-child-ratio under the continuous supervision of a Lead Teacher, Program Supervisor, Center Director, Assistant Director, or Family Home Licensee. Weight #5  (8) **Aides** offer support to early learning program staff in a center or home.  (a) An Aide must meet all of the following qualifications:  (i) Be at least 16 years old;  (ii) Have a high school diploma or equivalent as verified and approved by the department, or be currently enrolled in high school or equivalent education program;  (iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108; and  (b) An Aide may not be counted in staff-to-child ratio and must be under the continuous supervision of a Lead Teacher, Program Supervisor, Center Director, Assistant Director, or Family Home Licensee. Weight #5  (9) **Volunteers** provide classroom organizational supports to a Lead Teacher in an early learning program.  (a) Volunteers must meet the following qualifications:  (i) Be at least 14 years old;  (ii) Only work under the continuous supervision of a Lead Teacher, Program Supervisor, Center Director, Assistant Director, or Family Home Licensee; and  (iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108; and  (b) Volunteers may not be counted in the staff-to-child ratio. Weight #5 | |  |  |
| **Justification:**  General staff qualifications pertaining to Family Home licensees, lead teachers, assistant teachers, and volunteers are proposed to be amended to reflect the standards set forth in *Caring for Our Children, 3rd Edition* as well as public policy priorities of the Department of Early Learning. In particular, section 170-300-0100 provides for proposed revisions in the staff qualifications. *Caring for Our Children* Section 1.3.2 Caregiver’s/Teacher’s and Other Staff Qualifications notes the importance of differentiated roles with increasing educational qualifications for the individuals filling those roles. Sections 1.3.2.2: Qualifications of Lead Teachers and Teachers, 1.3.2.3: Qualifications for Assistant Teachers, Teacher Aides, and Volunteers, 1.3.3 Family Child Care Home Caregiver/Teacher Qualifications, and 1.4.1 Pre-service Training all informed the proposed revisions to this section of the Washington Administrative Code (WAC). Particularly, for a Family Home Licensee, *Caring for Our Children, 3rd Edition*, recommends that state certification be required, which the department adopts here through a phased-in introduction of DEL’s ECE Short Certificate or equivalent. Teacher qualifications are also addressed for Family Home Lead Teacher and Center Lead Teachers, at WAC 170-300-0100(5) and provide for a revision with the proposed requirement for a phase-in of the ECE Short Certificate or equivalent. Proposed WAC 170-300-0100(6) also requires a phased-in DEL Initial Certificate for Assistant Teachers. Proposed WAC 170-300-0100(7) and (8) require instructional aides and aides to have a high school diploma, GED or equivalent. These proposed revisions to an early learning provider’s qualifications are needed to bring Washington closer to the recommendations in *Caring for Our Children, 3rd edition*, which include a B.A. for a Lead Teacher and a CDA or AA for at least 50% for all Assistant Teachers, Aides and Volunteers.  The National Academies of Sciences, Engineering, and Medicine (NASEM), in their recent report, *Transforming the Workforce for Children Birth Through Age 8* (<http://www.nationalacademies.org/hmd/Reports/2015/Birth-To-Eight.aspx>), concluded that “improving professional learning and practice of the birth through [age] 8 workforce” is central to improving child care and early learning services. The NASEM “calls for phased, multi-year pathways to transition to a minimum bachelor’s degree requirement with specialized knowledge and competencies for […] those who bear primary responsibility for the instructional and other activities for children in formal care and education environments.” Tactics to improve professional learning and practice include improving higher education and ongoing professional learning, strengthening qualification requirements based on knowledge and competencies, and promoting evaluation that leads to continuous improvements in professional practices. Overall, to strengthen higher education, the NASEM calls for “high-quality training programs for specific professional roles based on a foundation of interdisciplinary programs.” Proposed WAC 170-300-0100 adopts NASEM’s guidance and the proposed requirements for early learning positions, which are in line with *Caring for Our Children, 3rd edition.*  Also in this section, the proposed revisions address the use of Washington’s electronic registry system as a way to document qualifications. This approach provides an efficient way to validate and store the necessary information, and has been introduced with regard to the qualifications discussed above for the Family Home Licensee, Lead Teachers, and Assistant Teachers.  A third revision in the proposed regulation is applicable to the Family Home Licensees, who must now be available 50% or more of weekly operations hours. This requirement reflects a DEL policy priority and fills a gap in the current regulations. The Family Home Licensee is an owner-operator, and the specification of at least 50% availability during daily operations provides safeguards consistent with Washington State’s decision to permit home-based child care.  The final proposed revision in this section concerns a cross-reference to WAC 170-300-0105, 0106, and 0108. Proposed WAC 170-300-0105 and 0106 concern pre-service, pre-employment requirements while WAC 170-300-0108 addresses program-based new staff orientation, which requires orientation by staff prior to working with children. For Family Home Licensees, Lead Teachers, Assistant Teachers, Instructional Aides, Aides, and Volunteers this regulation incorporates by reference WAC 170-300-0105, 0106, and 0108. Proposed WAC 170-300-0105 addresses basic public health requirements connected to health and safety, namely background checks and tuberculosis (TB) testing. These proposed requirements comply with *Caring for Our Children, 3rd Edition,* STANDARD 1.2.0.2: Background Screening and Standard 1.7.0.1: Pre-Employment and Ongoing Adult Health Appraisals, Including Immunization. Proposed WAC 170-300-0106 addresses a variety of pre-service requirements and generally covers significant child health, safety and development content, such as child abuse prevention; emergency preparedness, medication training; child restraint, infant safe sleep, shaken baby syndrome, and head trauma; strengthening families; and children experiencing homelessness. These topics, as discussed in the justification for proposed WAC 170-300-0106 below, are now required to be addressed by the federal Child Care and Development Block Grant of 2014 and its implementing regulations. These topics are also identified in *Caring for Our Children, 3rd Edition*. Due to their relationship to protecting child health and safety, these proposed requirements are now embedded in licensing regulations. Proposed WAC 170-300-0108 provides a list of orientation topics that must be addressed. These topics must include curriculum philosophy, active supervision, daily activities and routine, positive behavior management, equity and cultural responsiveness, and other critical topics relevant to child development, health and safety. These proposed orientation requirements are consistent with the recommendations of *Caring for Our Children, 3rd edition,* which specifically endorse orientation training at STANDARD 1.4.2.1: Initial Orientation of All Staff.  Additionally, the proposed revision incorporates vital feedback from 467 stakeholders who participated in series of 23 meetings in April and May 2016 to share their feedback on proposed licensing standards drafts. The participants represented all types of early learning providers and a wide variety of racial, ethnic, cultural, refugee and immigrant, income, and linguistic communities including but not limited to: Native American, African-American, Hispanic/Latino, Asian, Yakama Nation, East African, Filipino, Spanish-speaking, Somali-speaking, Oromo-speaking and Russian-speaking. These stakeholders primarily supported qualifications but raised concern about provider time and cost. In response to some of these concerns, there have been revisions to the proposed standards regarding educational levels and time frame parameters.  Proposed WAC 170-300-0100 requires early learning providers to be of a certain age, achieve educational requirements, meet regulatory standards (such as developing a program curriculum or adhering to staff-to-child ratios), complete training, perform duties applicable to their role, etc. For the most part, the requirements of this section do not have a cost associated with them because they are duties a provider must perform such as providing support to staff, setting educational goals, having a certain number of years’ experience in a child care setting, etc. However, the requirements to obtain educational certificates do impose new costs on provider roles that did not have these requirements before. Under proposed WAC 170-300-0100, the following roles require the following early childhood education (ECE) or other certifications:  Center early learning programs:   * Directors – ECE State Certificate * Assistant Directors – ECE State Certificate * Program Supervisors – ECE State Certificate * Lead Teachers – ECE Short Certificate * Assistant Teachers – ECE Initial Certificate   Family home early learning programs:   * Licensee – ECE Initial Certificate * Lead Teacher (primary staff person) – ECE Initial Certificate * Assistant Teachers (secondary staff person) – high school diploma or general education development (GED) Certificate   The estimated cost to complete each certification without any prerequisite courses is as follows:   * ECE State Certificate - $8,648 * ECE Short Certificate - $3,680 * ECE Initial Certificate - $2,208   The cost to comply with proposed WAC 170-300-0100 depends on the role at an early learning program an early learning provider pursues. The costs of achieving any particular ECE certificate cannot be reduced because the price per credit is set by the educational institution offering courses. Further, DEL is committed to promulgating rules that ensure the health and safety of children enrolled in early learning programs throughout the state, and rules that create the best learning environment for children. Proposed WAC 170-300-0100 is necessary for early learning programs to offer high quality education and give those working in early learning programs a foundational understanding of quality child care and early learning. The requirements of this proposed rule equip early learning providers with the necessary skills and knowledge to administer early learning programs that fully protect the health and safety of enrolled children and deliver the best possible educational experience. Because these goals are part of DEL’s mission to develop children to their fullest potential and get all of the state’s youngest learners prepared for kindergarten, DEL cannot reduce or eliminate substantive regulatory requirements or delay the compliance timetable for this proposed rule. | | | | | | | | | |
| **Pre-service requirements** | | | | | | | |  |  |
| **Family Home WAC** | | **Center WAC** | | **Proposed WAC** | | | | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** |
| **WAC 170-296A-1200**  **Background checks.**  (1) The license applicant or licensee must submit a completed background check form and obtain an authorization (clearance) from the department consistent with the requirements of chapter [170-06](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-06) WAC for each of the following:  (a) The license applicant;  (b) The licensee;  **WAC 170-296A-1750**  **Tuberculosis.**  The applicant, and each staff person fourteen years old and older, and each household member sixteen years old and older, must provide documentation signed by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:  (1) A negative Mantoux test (also known as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed within twelve months before license application or employment; or  (2) A previous or current positive TST or positive IGRA with documentation within the previous twelve months:  (a) Of a chest X ray with negative results; or  (b) Showing that the individual is receiving or has received therapy for active or latent TB disease and is cleared to safely work in a child care setting. As used in this section, "latent TB" means when a person is infected with the TB germ but has not developed active TB disease. | | **170-295-0070 What personal characteristics do my volunteers, all staff and I need to provide care to children?**  (b) Be authorized by DEL to care for or have unsupervised access to children in child care under chapter [170-06](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-06) WAC; and  **170-295-1120 What are the tuberculosis (TB) testing requirements for the staff?**  (1) Each employee and volunteer must have the results of a one step Mantoux TB skin test prior to starting work.  (2) New employees and volunteers do not need a TB skin test if they have written proof of:  (a) A negative Mantoux TB test in the twelve months prior to you hiring them;  (b) A previously positive Mantoux TB test with documented proof of treatment or a negative chest X ray; or  (c) Medication therapy to treat TB.  (3) Your staff and volunteers must be retested for TB when you are notified that any of the staff or volunteers have been exposed to TB. They must comply with the direction of the local health jurisdictions. | | **170-300-0105**  **Pre-service requirements.**  (1) All Applicants, Co-Applicants, Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers in family early learning programs must complete a department provided orientation for the applicable early learning program type. Weight #1  (2) Early learning providers and household members ages 14 and older must complete the department background check application, pursuant to chapter 170-06 WAC. Weight #7  (3) Early learning providers, including volunteers, and household members ages 14 and over, must provide documentation signed by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:  (a) A negative TB symptom screen and negative TB risk assessment; or  (b) A previous positive FDA approved TB test and a current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program; or  (c) A positive symptom screening or a positive risk assessment with documentation of:  (i) A current negative FDA approved TB test; or  (ii) A previous or current positive FDA approved TB test; and  (iii) A current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program. Weight #6  (4) Upon notification of TB exposure, early learning providers may be required to be retested for TB as directed by the local health jurisdiction. Weight #7  (5) Early learning providers who will care for infants, toddlers, and non-immunized children must follow requirements of WAC 170-300-0120(4) prior to starting work in an early learning program. Weight #6 | | | |  |  |
| **Justification:**  As part of the Early Start Act alignment, the Department of Early Learning analyzed all existing licensing, both family home and center rules. The issues identified included duplication, inconsistency, dual language learners (DLL), inclusion and equity, and underscored the importance of the connections between policy, practice, and reporting. There was an identified need to have consistent and clear connections in early learning programs in order to best support providers and the children and families that they serve. At the same time, gaps were noted between family home and center rules, many because of more recent revisions to family home rules than center rules. The revisions respect each unique setting but also seek to align center and family home as appropriate. | | | | | | | | | |
| **Training requirements** | | | | | | | |  |  |
| **Family Home WAC** | | **Center WAC** | | **Proposed WAC** | | | | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** |
| **WAC 170-296A-1125**  **Orientation required.**  An individual applying for an initial license must complete an orientation provided by the department within twelve months prior to submitting a license application.  **WAC 170-296A-1175**  **Basic STARS training.**  A license applicant must complete the basic STARS training prior to an initial license being granted by the department.  **170-296A-1800**  (1) The licensee and each primary staff person must complete ten hours of department approved ongoing training each year. The training may include:  (a) Licensee's or primary staff person's choice; and  (b) Department directed training to include infant safe sleep training when licensee is licensed to care for infants.  (2) The licensee must complete the ongoing training requirement each year prior to continuing a nonexpiring full license.  (3) A primary staff person must complete the ongoing training requirement each year beginning from the date of initial employment.  (4) A licensee who exceeds the ten-hour ongoing training requirement in any year may carry over up to five hours of ongoing training toward meeting the next year's requirement. This does not include the required infant safe sleep training.  **170-296A-2875**  (1) The licensee must provide fire, evacuation and disaster training for all staff and volunteers when the individual is first employed and at least once each calendar year. The training must include:  (a) All elements of the fire, evacuation and disaster plans;  (b) Operation of the fire extinguishers;  (c) How to test the smoke detectors and, if required, test carbon monoxide detectors and replace detector batteries; and  (d) Staff responsibilities in the event of a fire or disaster.  (2) The training must be documented in the staff's or volunteer's personnel file.  **WAC 170-296A-1825**  **First aid and cardio pulmonary resuscitation (CPR) certification.**  (1) The licensee and each staff person must have a current first aid and cardio pulmonary resuscitation (CPR) certification as established by the expiration date of the document.  (2) Proof of certification may be a card, certificate or instructor letter.  (3) The first aid and CPR training and certification must:  (a) Be certified by the American Red Cross, American Heart Association, American Safety and Health Institute or other nationally recognized certification approved by the department;  (b) Include infant, child, and adult CPR; and  (c) Include a hands-on component.  **WAC 170-296A-1850**  **HIV/AIDS training—Bloodborne pathogens plan.**  (1) The licensee, each staff, and each household member who is responsible for the care of children must complete one time the state department of health training under chapter [70.24](http://app.leg.wa.gov/RCW/default.aspx?cite=70.24) RCW on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).  (2) The licensee must have a written bloodborne pathogens plan that includes:  (a) A list of the staff, volunteers and household members providing child care who may be exposed to bloodborne pathogens; and  (b) Procedures for cleaning up bodily fluid spills (blood, feces, nasal or eye discharge, saliva, urine or vomit), including the use of gloves, proper cleaning and disinfecting of contaminated items, disposal of waste materials, and handwashing.  of all staff training on policies.  **WAC 170-296A-7675**  **Food handler permits.**  (1) New license applicants must obtain a current state food handler permit prior to being licensed.  (2) By March 31, 2013, every licensee must obtain and maintain a current state food handler permit.  (3) When the licensee is not present, one staff person with a current state food handler permit must be present whenever food is prepared or served to children in care.  (4) The licensee or staff person with a current state food handler permit must prepare or supervise preparation of all food served to children in care.  (5) The licensee must keep a copy of each individual's food handler permit on file.  **WAC 170-296A-7100**  **Infant safe sleep practices.**  (2) The licensee must:  (a) Complete annual infant safe sleep training as required in WAC [170-296A-1800](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-1800);  **WAC 170-296A-6275**  **Abuse and neglect—Protection and training.**  (2) The licensee must provide training for staff, volunteers and household members on:  (a) Prevention of child abuse and neglect as defined in RCW [26.44.020](http://app.leg.wa.gov/RCW/default.aspx?cite=26.44.020); and  (b) Mandatory reporting requirements under RCW [26.44.030](http://app.leg.wa.gov/RCW/default.aspx?cite=26.44.030). | | **170-295-0060 What are the requirements for applying for a license to operate a child care center?**  (b) The applicant, director and program supervisor must attend the orientation programs that we provide, arrange or approve;  **170-295-1060 What initial and ongoing state training and registry system (STARS) training is required for child care center staff?**  The director, program supervisor and lead teachers must register with the STARS registry and complete one of the following trainings within the first six months of employment or of being granted an initial license:  (1) Basic training approved by the Washington state training registry system (STARS);  (2) Current child development associate certificate (CDA) or equivalent credential, or twelve or more college credits in early childhood education or child development; or  (3) Associate of arts (AA), associate of arts and sciences or higher college degree in early childhood education or child development.  **WAC 170-295-1090**  **What kind of meetings or ongoing training must I provide my staff?**  (1) You must provide or arrange for staff meetings and training opportunities for the child care staff at least quarterly; and  (2) At a minimum, your staff and volunteers must have ongoing training when there are changes:  (a) In your policies and procedures;  (b) In the equipment that you use;  (c) In the types of services you provide; or  (d) To health care plans for specific children.  (3) Annual infant safe sleep training approved by the department must be provided when licensed to care for infants.  **170-295-1100 What are the requirements regarding first aid and cardiopulmonary resuscitation (CPR) training?**  (1) You must ensure that at least one person of your staff with a current basic standard first aid and age appropriate CPR certificate is present with each group of children in your center at all times. For example, if you have six different classrooms with different groups of children, you must have a staff person in each room trained in first aid and CPR.  (2) The person providing the first aid and CPR training must be knowledgeable about current national first aid and CPR standards. The trainer must:  (a) Be in the medical field;  (b) Be in the emergency field such as an emergency medical technician or firefighter;  (c) Complete a "train the trainer" course from a reputable program such as the American Red Cross, American Heart Association, National Safety Council or labor and industries; or  (d) Work for a company that specializes in first aid and CPR training.  (3) First aid and CPR training must be updated as required on the card or certificate received by you or your staff person. The first aid and CPR cards or certificates must have a date of expiration.  **170-295-1110 Who must have human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS) and bloodborne pathogen training?**  (1) Every employee who is included in the staff to child ratio must have written proof of HIV/AIDS and bloodborne pathogen training that includes prevention, transmission, treatment and confidentiality issues.  (2) You must comply with applicable Washington Industrial Safety and Health Act (WISHA)/labor and industries safety and health regulations under chapter [296-823](http://apps.leg.wa.gov/WAC/default.aspx?cite=296-823) WAC that apply to you.  170-295-3130  (2) You must have documentation that the staff person has been oriented.  **170-295-3170 What are the food service standards I am required to meet?**  You must maintain on site at least one person with a Washington state department of health food handler's permit to:  (1) Monitor and oversee food handling and service at the center; and  (2) Provide orientation and ongoing training as needed for all staff involved in food handling. Anyone cooking full meals must have a food handlers permit  **170-295-4110 What are infant safe sleep practices?**  (2) The staff must:  (a) Complete annual infant safe sleep training as required in WAC [170-295-1090](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-295-1090); and  (b) Document annual infant safe sleep training for all staff and volunteers as required in WAC [170-295-7050](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-295-7050).  **170-295-6040 What are the requirements regarding child abuse and neglect?**  (1) You and your staff must protect the child in care from child abuse, neglect, or exploitation, as required under chapter [26.44](http://app.leg.wa.gov/RCW/default.aspx?cite=26.44) RCW. | | **WAC 170-300-0106**  **Training requirements.**   1. Early learning providers licensed, working, or volunteering in an early learning program before the date this section becomes effective must complete the applicable training requirements of this section within three months of the date this section becomes effective unless otherwise indicated. Early learning providers hired after the date this section becomes effective must complete the training requirements of subsections (5) through (11) of this section prior to working in an unsupervised capacity with children. An early learning provider must implement training skills and knowledge as soon as possible. Weight #1 2. License applicants and early learning providers must register with the electronic workforce registry prior to being granted an initial license or working with children in an unsupervised capacity. Weight #1 3. License applicants and early learning providers must record and update completed trainings and other applicable requirements of this chapter in the electronic workforce registry. Weight #1 4. License applicants, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers, Assistant Teachers, and Instructional Aides must complete the department Child Care Basics training:    1. Prior to being granted a license;    2. Prior to working with children; or    3. Within three months of the date this section becomes effective if already employed or being promoted to a new role. Weight #5 5. Early learning providers must complete the department Recognizing and Reporting Suspected Child Abuse, Neglect, and Exploitation training according to subsection (1) of this section. Training must include the prevention of child abuse and neglect as defined in RCW 26.44.020 and mandatory reporting requirements under RCW 26.44.030. Weight #7 6. Early learning providers must complete the department Emergency Preparedness training (applicable to the early learning program where they work or volunteer) according to subsection (1) of this section. Weight #5 7. Early learning providers licensed to care for infants must complete the department Prevention and Identifying Shaken Baby Syndrome/Abuse Head Trauma training according to subsection (1) of this section. Weight #6 8. Early learning providers must complete the department Serving Children Experiencing Homelessness training according to subsection (1) of this section. Weight #5 9. License applicants and early learning providers licensed to care for infants or toddlers must complete the department Safe Sleep training. This training must be completed annually and:    1. Prior to being licensed;    2. Prior to working with children; or    3. According to subsection (1) of this section. Weight #7 10. Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers must complete the department Child Restraint training prior to being authorized by the early learning program where they work to restrain an enrolled child, or as indicated in subsection (1) of this section. Weight #6 11. Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers must complete the department Medication Management and Administration training prior to giving medication to an enrolled child, or as indicated in subsection (1) of this section. Weight #6 12. License applicants and early learning providers involved in the direct care of children must complete the current Washington State Department of Labor and Industries training on the Prevention of Exposure to Blood and Body Fluids prior to being granted a license or working with children. This training must be repeated pursuant to Washington State Department Labor and Industries regulations (found at: <http://www.lni.wa.gov/Safety/TrainingPrevention/?F=M>). Weight #7 13. Early learning providers involved in the direct care of children must have a current first-aid and cardiopulmonary resuscitation (CPR) certification as established by the expiration date of the document, prior to working with children. A provider subject to this requirement must renew first aid and CPR certification prior to expiration dates.   (a) Proof of certification may be a card, certificate, or instructor letter.  (b) The first-aid and CPR training and certification must:  (i) Be delivered in person by an instructor certified by the American Red Cross, American Heart Association, American Safety and Health Institute, or other nationally recognized certification program;  (ii) Include infant, child, and adult CPR; and  (iii) Include an in person, hands-on component for first- aid and CPR demonstrated in front of a certified instructor. Weight #7   1. Early learning providers involved in serving food to children at an early learning program must obtain a current Food Worker card prior to serving food. Food Worker cards must:   (a) Be obtained online at [www.foodworkercard.wa.gov](http://www.foodworkercard.wa.gov) or through the local health jurisdiction; and  (b) Be renewed prior to expiring. Weight #6 | | | |  |  |
| **Justification:**  The proposed pre-service training requirements now explicitly cover topics required by the Child Care and Development Block Grant Act of 2014 and are more thoroughly aligned with *Caring for Our Children, 3rd Edition*. Proposed WAC 170-300-0106 provides a six-month phase-in for staff or volunteers who have been working in an early learning setting before the effective date of proposed WAC 170-300-0106. This compliance timelines is consistent with *Caring for Our Children, 3rd Edition*, at STANDARD 1.4.1 Pre-service Training and 1.4.2 Orientation Training. Of the regulations that are updated, *Caring for Our Children* references the subject matter in proposed WAC 170-300-0106(8), 0106(13), 0106(16), and 0106(17) as follows: Section 1.4.1 specifically references child abuse and neglect, (see 1.4.1.1(q)), medication administration (see 1.4.1.1(v)), shaken baby syndrome (see 1.4.1.1(g), and family support (see 1.4.1.1(c)). Further, *Caring for Our Children, 3rd Edition*, at STANDARD 2.2.0.10: Using Physical Restraint notes that any staff using restraint must be trained, which DEL incorporates into proposed WAC 170-300-0106(13).  The implementing regulations for the Child Care and Development Block Grant of 2014, at 28 C.F.R. §§ 98.41 and 98.44(b)(1)(i) apply to early learning programs for which federal child care assistance is provided. DEL incorporates these requirements into the licensing process in this proposed section at proposed WAC 170-300-0106(8), 0106(12), 0106(13), and 0106(16). Federal law also mandates greater focus on children who are experiencing homelessness at 28 C.F.R. § 98.51(b). Proposed WAC 170-300-0106(8) satisfies this mandate by requiring training and technical assistance to providers on how to serve children who are experiencing homelessness. Proposed WAC 170-300-0106(7) requires business practice training for certain leadership and management personnel as part of the implementation of 28 C.F.R. §98.16(z).  Additionally, the proposed revision incorporates vital feedback from 467 stakeholders who participated in series of 23 meetings in April and May 2016 to share their feedback on proposed licensing standards drafts. The participants represented all types of early learning providers and a wide variety of racial, ethnic, cultural, refugee and immigrant, income, and linguistic communities including but not limited to: Native American, African-American, Hispanic/Latino, Asian, Yakama Nation, East African, Filipino, Spanish-speaking, Somali-speaking, Oromo-speaking and Russian-speaking. These stakeholders primarily supported professional development training but raised concern about provider time and cost. In response to some of these concerns, there have been revisions to the proposed standards regarding training and time frame parameters. | | | | | | | | | |
| **In-service training** | | | | | | | |  |  |
| **Family Home WAC** | | **Center WAC** | | **Proposed WAC** | | | | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** |
|  | | **WAC 170-295-1070**  **What continuing state training and registry system (STARS) training is required for child care center staff?**  (1) The director, program supervisor and lead teachers must complete ten clock hours or one college credit of continuing education yearly after completing the initial training required in WAC [170-295-1010](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-295-1010).  (2) The director and program supervisor must have five of the ten hours in program management and administration for the first two years in their respective positions. Each additional year, three of the ten hours required must be in program management and administration.  (3) The continuing education must include department approved annual infant safe sleep training when licensed to care for infants.  (4) The continuing education must be delivered by a state-approved trainer, or consist of training that has been department-approved through MERIT. | | **170-300-0107**  **In-service training.**  (1) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers, Assistant Teachers, and Instructional Aides must complete in-service training requirements of this section. An early learning provider must implement in-service training skills and knowledge as soon as possible. Weight #4  (2) The department Enhancing Quality of Early Learning (EQEL) training must be completed within 24 months of being hired in a licensed facility after completing Child Care Basics pursuant to WAC 170-300-0106. During the time the EQEL is being completed, EQEL hours count towards the 10 hours of in-service training required each year. Weight #4   1. In-service training (10 hours total) must be completed every 12 months based on the start date of employment after an early learning provider completes the EQEL training required in subsection (2) of this section. The department determines how many hours of the 10 hours total are required per Core Competency and how many hours are elective. In-service training:    1. Must include one or more of Washington State’s Core Competencies for Early Care and Education;    2. May be met by completing credit bearing early childhood education delivered by an institution of post-secondary education as approved by the department; and    3. Hours cannot be carried over to the following year(s), 10 hours of in- service must be completed every 12 months based on the start date of employment. Weight NA 2. Family Home Licensees, Center Directors, Assistant Directors and Program Supervisors must complete three of the 10 hours total in Core Competency Professional Development and Leadership each year. Weight #1 3. Family Home Licensees, Center Directors, Assistant Directors, and Program Supervisors must complete the Strengthening Families Program Self-Assessment or an equivalent assessment as approved by the department(applicable to the early learning program where they work) within twelve months of the date this section becomes effective if already employed or twelve months of being licensed. Weight #1   (6) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors and Lead Teachers must complete the renewal trainings that include Business and Leadership Practices training and Child Development training. This training must be completed every three years and within twelve months of the date this section becomes effective if already employed. Weight #1 | | | |  |  |
| **Justification:**  Proposed WAC 170-300-0107 addresses three changes to in-service or continuing education. The first of these proposed revisions, which impacts all personnel except for Aides and Volunteers, allows a 12 month period to complete the Department’s Enhancing Quality of Early Learning (EQEL), which set the foundation for sound child development knowledge and practice.  The second proposed revision, found in WAC 170-300-0107(5), specifies that personnel in a leadership role must complete three in-service hours on leadership other than in years in which business practice training is being completed. This recognizes the essential role of the leader in providing overall management, instructional and business leadership in early learning.  The final proposed revision, found in WAC 170-300-0107(7), requires those in leadership roles to renew business practice training every three years. The federal Child Care and Development Block Grant of 2014 requires business practice training be made available, see 28 C.F.R. § 98.16(z). Without sound business practices, early learning programs become unstable, thus compromising their ability to serve children and families on an ongoing basis, or to meet the expectations set forward by Washington state in these regulations as well as the programs offered by the state, including Early Achievers and ECEAP.  Additionally, the proposed revision incorporates vital feedback from 467 stakeholders who participated in series of 23 meetings in April and May 2016 to share their feedback on proposed licensing standards drafts. The participants represented all types of early learning providers and a wide variety of racial, ethnic, cultural, refugee and immigrant, income, and linguistic communities including but not limited to: Native American, African-American, Hispanic/Latino, Asian, Yakama Nation, East African, Filipino, Spanish-speaking, Somali-speaking, Oromo-speaking and Russian-speaking. These stakeholders primarily supported professional development training but raised concern about provider time and cost. In response to some of these concerns, there have been revisions to the proposed standards regarding training and time frame parameters. | | | | | | | | | |
| **Program-based new staff orientation** | | | | | | | |  |  |
| **Family Home WAC** | | | **Center WAC** | | **Proposed WAC** | | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** |
|  | | | **WAC 170-295-1080**  **What topics must my new staff orientation include?**  You must have an orientation system in place to train each new employee and volunteer about program policies, practices, philosophies and goals. This training must include, but is not limited to, the program policies and practices listed in this chapter such as:  (1) Minimum licensing requirements;  (2) Planned daily activities and routines;  (3) Child guidance and behavior management methods;  (4) Child abuse and neglect prevention, detection, and reporting policies and procedures;  (5) Health policies and procedures;  (6) Contagious disease recognition and prevention;  (7) Bloodborne pathogens;  (8) Fire prevention, disaster plan and safety procedures;  (9) Special health and developmental needs of the individual child;  (10) Infant safe sleep practices when licensed to care for infants;  (11) Personnel policies, when applicable;  (12) Limited restraint techniques;  (13) Cultural relevancy; and  (14) Age and developmentally appropriate practices and expectations for the age group the staff will work with. | | **WAC 170-300-0108**  **Program-based new staff orientation.**  (1) An early learning provider must develop and deliver a new staff orientation specific to the early learning program and premises. Providers must be orientated prior to working with children. Weight #5  (2) Orientation topics must include, but are not limited to:  (a) Those portions of the staff handbook listed in WAC 170-300-0110(4)(f)(g);  (b) Chapter 43.215 RCW, Chapters 170-300 and 170-06 WAC;  (c) Curriculum philosophy;  (d) Child active supervision;  (e) Planned daily activities and routines;  (f) Developmental screening, when applicable;  (g) Positive behavior management;  (h) Child abuse and neglect prevention, detection, and reporting policies and procedures;  (i) Health and safety policies and procedures;  (j) Contagious disease recognition and prevention;  (k) Prevention of exposure to blood and body fluids;  (l) Emergency preparedness procedures;  (m) Special health and developmental needs of the individual child;  (n) Safe sleep practices when licensed to care for infants or toddlers;  (o) Personnel policies, when applicable;  (p) Equity and cultural responsiveness;  (q) Non-discrimination policies;  (r) Age and developmentally appropriate practices; and  (s) Child Care and Development Fund (CCDF) mandates and changes. CCDF is a federal program designed to help low-income families get high quality child care and support high quality child development services. Weight #5 | |  | |  |
| **Justification:**  The Department of Early Learning has set a goal for school readiness for the young children of the state and recognizes the great diversity in the population. In recognition of the importance of equity in realizing the overall public policy, proposed WAC 170-330-0108 is revised to incorporate equity as part of the required new staff orientation.  The National Academies of Sciences, Engineering, and Medicine (NASEM), in their recent report, Transforming the Workforce for Children Birth Through Age 8 (<http://www.nationalacademies.org/hmd/Reports/2015/Birth-To-Eight.aspx>) acknowledge the “care and education of young children takes place in many different settings with different practitioner traditions and cultures”. Accordingly, to better serve all Washington children, this proposed regulation requires early learning programs to be inclusive to all populations and capitalizes on diverse strengths rooted in different culture, languages, and belief systems knowing that race or location are not predictors of a child’s success. Additionally, per *Caring for Our Children, 3rd Edition*, STANDARD 2.1.1.8 information is focused on addressing culture and diversity, stating “Programs should provide cultural curricula that engage children and families and teach multicultural learning activities. Indoor and outdoor learning/play environments should have an array of toys, materials, posters, etc. that reflect diverse cultures and ethnicities. Stereotyping of any culture must be avoided.” | | | | | | | | | |
| **Staff policies** | | | | | | | |  |  |
| **Family Home WAC** | | | **Center WAC** | | **Proposed WAC** | |  | |  |
| **WAC 170-296A-2425**  **Staff policies.**  If the licensee hires staff or uses volunteers, the licensee must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:  (1) All the information in the parent/guardian handbook under WAC [170-296A-2375](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-2375), except fees;  (2) Plan for keeping staff records current including:  (a) Completed background check forms and department clearances;  (b) First aid and CPR certification;  (c) TB test results;  (d) Required training and professional development for primary staff persons; and  (e) Training that the licensee must provide to staff that includes infant safe sleep if applicable;  (3) Job description;  (4) Staff responsibilities for:  (a) Child supervision requirements;  (b) Guidance/discipline techniques;  (c) Food service practices;  (d) Off-site field trips;  (e) Transporting children;  (f) Preventing children's access to unlicensed space;  (g) Health, safety and sanitization procedures;  (h) Medical emergencies, fire, disaster and evacuations;  (i) Mandatory reporting of suspected child abuse and neglect;  (j) Overnight care, if applicable; and  (k) Staff responsibilities if the licensee is absent from the child care operation.  (5) The licensee must keep documentation of all staff training on policies. | | | **WAC 170-300-0111**  WAC 170-295-7050 What personnel records and policies must I have?  (5) If you employ five or more people you must have written personnel policies. These policies must describe staff benefits, if any, and duties and qualifications of staff. | | **170-300-0110**  **Staff policies.**   1. An early learning provider must have and follow written policies for early learning program staff. Staff policies must be reviewed and approved by the department prior to issuing a provider’s initial license and when changes are made. Weight #1   (2) An early learning provider must train all staff and volunteers on the policies. Weight #6  (3) An early learning provider must document trainings and keep training records current in the individual staff files for all applicable persons. Staff files must be kept current in the electronic workforce registry. Staff names must be deleted from the electronic workforce registry when no longer employed at the early learning program. Weight #4  (4) Early learning program staff policies must include, but are not limited to:  (a) All of the information in the parent or guardian handbook except fees;  (b) A plan for keeping staff records current in the electronic workforce registry;  (c) Job descriptions;  (d) Professional development support plan;  (e) Attendance, conduct, and pay benefits;  (f) Early learning program staff responsibilities for:  (i) Child supervision requirements, including preventing children’s access to unlicensed space;  (ii) Child growth and development;  (iii) Age-appropriate curriculum;  (iv) Teacher-child interaction;  (v) Child protection, guidance and discipline techniques;  (vi) Safe sleep practices, if applicable;  (vii) Food service practices;  (viii) Off-site field trips;  (ix) Transporting children;  (x) Health, safety and sanitization procedures;  (xi) Medication management procedures;  (xii) Medical emergencies, fire, disaster and evacuation plans;  (xiii) Mandatory reporting of suspected child abuse, neglect, and exploitation, per RCW 26.44.020 and RCW 26.44.030;  (xiv) Implementation of child’s individual health care or special needs plan;  (xv) Following non-smoking, vaping, alcohol and drug regulations;  (xvi) Overnight care, if applicable;  (xvii) Religious and cultural diversity including all children and families; and  (xviii) Non-discrimination.  (g) Staff responsibilities if the Family Home Licensee, Center Director, Assistant Director, or Program Supervisor is absent from the early learning program.  (h) A plan that includes how job duties are evenly distributed and ensuring duties do not interfere with caretaking responsibilities. Weight #5  (5) An early learning provider must have and follow written policies requiring staff working with the same group of children to share information with each other on a daily basis regarding:  (a) Children’s health needs, allergies and medication;  (b) Any change in a child’s daily schedule;  (c) Significant educational or developmental information;  (d) Any communications from the family; and  (e) Information to be shared with the family. Weight #5 | |  | |  |
| **Justification:**  Proposed WAC 170-300-0110 requires the following revisions to staff policies:  First, staff policies must now include a plan for keeping staff records current in the electronic registry. This requirement provides a more efficient method for tracking and monitoring qualifications and training required by licensing protocols. Second, job descriptions must be readily available to all personnel. Third, a provider must have and follow professional development support plans. These plans support the focus of these proposed regulations, as well as the federal Child Care and Development Block Grant Act of 2014 and its implementing regulations at 28 C.F.R. §98.44. The implementation regulations point to the need for ongoing professional development that provides for a progression and addresses career pathways and professional development. Fourth, a provider must retain basic information about attendance, conduct, pay and benefits. This requirement is needed as that information is needed for early learning professionals to understand their responsibilities and remuneration. Lastly, a provision is added to address vaping policies to adapt to change in the broader society. | | | | | | | | | |
| **Supervision of staff** | | | | | | | |  |  |
| **Family Home WAC** | | | **Center WAC** | | **Proposed WAC** | | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** |
| WAC 170-296A-1925  Assistants and volunteers—Supervision    (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff person at all times.  (2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.  (3) The licensee or primary staff person must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond. When the licensee or primary staff person is the only supervisor, the assistant or volunteer may be in visual or auditory range for brief periods of time while the licensee or primary staff person attends to their personal needs on the premises.  WAC 170- 296A-5750  Supervising staff  (12)When the licensee or primary staff person is supervising staff, be:  (a) Aware of what staff are doing; and  (b) Available and able to respond if the need arises to protect the health and safety of children in care. (13) See WAC 170-296A-1925 for additional supervision requirements for assistants and volunte**ers.**  WAC 170-296A-2350  Policies  (1) The licensee must have written policies for:  (b) Program and staff.  (2) The licensee must submit all policies and revisions of policies to the department.  WAC 170-296A-2400  Program/operations policies  In addition to parent policies and procedures required under WAC [170-296A-2375](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-2375), the licensee must have written program/operations policies that include:  (10) Plan for staff (when applicable) to include:  (a) Staff responsibilities;  (b) Staff training;  (c) Staff expectations; and  (d) Professional development.  WAC 170-296A-2425  Staff policies  If the licensee hires staff or uses volunteers, the licensee must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:  (1) All the information in the parent/guardian handbook under WAC [170-296A-2375](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-2375), except fees;  (2) Plan for keeping staff records current including:  (3) Job description;  (4) Staff responsibilities for:  (a) Child supervision requirements;  (b) Guidance/discipline techniques;  (c) Food service practices;  (d) Off-site field trips;  (e) Transporting children;  (f) Preventing children's access to unlicensed space;  (g) Health, safety and sanitization procedures;  (h) Medical emergencies, fire, disaster and evacuations;  (i) Mandatory reporting of suspected child abuse and neglect;  (j) Overnight care, if applicable; and  (k) Staff responsibilities if the licensee is absent from the child care operation.  (5) The licensee must keep documentation of all staff training on policies. | | |  | | **WAC 170-300-0111**  **Supervision of staff.**  (1) When an early learning provider is supervising staff, he or she must be:  (a) Aware of what staff are doing;  (b) Dependably available and able to respond if the need arises to protect the health and safety of children in care; and  (c) Dependably available and able to respond in an emergency situation. Weight #6   1. Assistant Teachers, Instructional Aides, Aides, and Volunteers are individuals who help in an early learning program but are supervised by the Family Home Licensee, Center Director, Assistant Director, Program Supervisor or Lead Teacher at all times. Weight NA 2. The Family Home Licensee, Center Director, Assistant Director, Program Supervisor or Lead Teacher must be within visual and auditory range of an Instructional Aide, Aide, or Volunteer. The early learning program staff who is supervising must be available and able to respond at any time. Weight #6 3. When the Family Home Licensee, Center Director, Assistant Director, Program Supervisor, or Lead Teacher is the only supervisory staff, the Assistant Teacher, Instructional Aide, Aide, or Volunteer may be out of visual or auditory range for brief period of time while the supervisory staff attends to their personal needs on the premises. Weight #5 4. An early learning provider must have and follow a policy for observing and evaluating early learning program staff. The purpose is to provide meaningful feedback to the provider about how well staff is performing their duties and to inform decisions regarding professional development. Observations, evaluations and feedback must be kept confidential and in the staff member’s employment file. Weight #4 5. Short, informal observations and feedback should occur at least once monthly and may be spontaneous, scheduled at the request of the staff member, done as a result of a complaint, or scheduled as part of the program’s continuous quality improvement plan. Weight #4 | |  | |  |
| **Justification:**  The proposed revisions that call attention to the importance of ongoing teacher evaluation and observation are added, consistent with *Caring for Our Children, 3rd Edition,* which details policies for staff observation and evaluation at STANDARD 1.8.2, including the need for regular review, feedback, and evaluation and the use of this information to inform staff professional development. *Caring for Our Children, 3rd Edition*, notes “Formal evaluation is not a substitute for continuing feedback on day-to-day performance,” at STANDARD 1.8.2.2. DEL placed this requirement in the licensing language of proposed WAC 170-300-0111(5) and (6), calling for the ongoing observation, evaluation, and feedback of early learning program staff. | | | | | | | | | |
| **Staff records** | | | | | | | |  |  |
| **Family Home WAC** | | **Center WAC** | | **Proposed WAC** | | | | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** |
| WAC 170-296A-2075  Licensee and staff records.  Records on file for the licensee and each staff person must include documentation of:  (1) Current first aid and infant, child and adult CPR training certification;  (2) HIV/AIDS training certification;  (3) TB test results or documentation as required under WAC [170-296A-1750](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-1750);  (4) Current state food handler permit for the licensee, and for other staff if required under WAC [170-296A-7675](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-7675)(3);  (5) Completed background check form, or noncriminal background check form if applicable under WAC [170-296A-1225](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-1225), and copy of the department-issued authorization;  (6) Copy of a current government issued picture identification;  (7) Emergency contact information;  (8) Completed application form or resume for staff when hired;  (9) Documentation for the licensee's and primary staff person only of:  (a) Basic STARS training;  (b) Ongoing training completed that includes department approved infant safe sleep if applicable; and  (c) Registration in MERIT.  (10) Record of training provided by the licensee to staff and volunteers that includes infant safe sleep if applicable; and  (11) Resume for the licensee only.  WAC 170-296A-2100  Required records for household members.  The licensee must keep the following records for household members:  (1) Completed background check form and the department-issued clearance under chapter [170-06](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-06) WAC for each individual sixteen years old and older;  (2) The department-issued clearance for household members age thirteen to sixteen years old under WAC [170-296A-1225](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-1225); and  (3) TB test results or documentation under WAC [170-296A-1750](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-1750) for:  (a) Household members sixteen years old or older; and  (b) Any household member fourteen to sixteen years old who is an assistant or volunteer.  WAC 170-296A-2425  Staff policies  If the licensee hires staff or uses volunteers, the licensee must have written  (2) Plan for keeping staff records current including:  (a) Completed background check forms and department clearances;  (b) First aid and CPR certification;  (c) TB test results;  (d) Required training and professional development for primary staff persons; and  (e) Training that the licensee must provide to staff that includes infant safe sleep if applicable;  (5) The licensee must keep documentation of all staff training on policies. | | WAC 170-295-7050 What personnel records and policies must I have?  (1) Each employee and volunteer who has unsupervised access to a child in care must complete the following forms on or before their date of hire:  (a) An application for employment on a form prescribed by us, or on a comparable form approved by the department; and  (b) A background check form.  (6) You must maintain a system of record keeping for personnel. In addition to the other requirements in this chapter, you must keep the following information on file on the premises for yourself, each staff person and volunteer:  (a) An employment application, including work and education history;  (b) Documentation that a background check form was submitted;  (c) A copy of the department notification of background clearance authorization;  (d) Written documentation of trainings and meetings such as but not limited to:  (i) Orientation;  (ii) Ongoing trainings to include infant safe sleep training when licensed to care for infants;  (iii) Bloodborne pathogen training (including HIV/AIDS);  (iv) CPR/first aid;  (v) Food handler's cards (if applicable);  (vi) STARS;  (vii) Staff meetings; and  (viii) Child abuse and neglect.  (e) Documentation of the results of tuberculosis (TB) testing by the Mantoux skin test prior to starting work.  (7) You must keep the following information on file for the owner of the facility:  (a) If the center is solely owned by you:  (i) A photocopy of your Social Security card that is valid for employment or verification of your employer identification number (EIN); and  (ii) A photocopy of your photo identification issued by a government entity.  (b) If the center is owned by a corporation, verification of the corporation's EIN.  (8) Training documentation must include a certificate, card, or form with a copy placed in each individual employees file that contains the:  (a) Topic presented;  (b) Number of clock hours;  (c) Date and names of persons attending; and  (d) Signature and organization of the person conducting the training. | | **170-300-0115**  **Staff records.**   1. An early learning provider must establish a records system for themselves, household members, staff, and volunteers that meet the business needs of the early learning program. Early learning program records must be: 2. Verified by the Licensee, Center Director, Assistant Director, or Program Supervisor; 3. Input and maintained in the electronic workforce registry; and 4. Available on site for verification during department inspections or early learning program visits, either in the electronic workforce registry or in paper format. Paper records are not required to be kept once entered into and confirmed within the electronic workforce registry. Weight #1 5. Early learning program records must include the following for each early learning provider and staff, including the Licensee:   (a) First and last name of the provider and program staff; Weight #4  (b) Age; Weight #4  (c) Job title; Weight #3  (d) Education and Qualifications; Weight #3  (e) First and last day of employment; Weight #3  (f) Portable Background Check Status; Weight #5  (g) Current Washington State Food Worker card; Weight #5  (h) TB Test results and date or follow-up documentation, as required; Weight #5  (i) Washington state training registry system identification number; Weight #4  (j) Child Care Basics training completion date; Weight #4  (k) Proof of required training; Weight #4  (l) Annual continuing education hours; Weight #4  (m) Early Achievers Training, if applicable; Weight #4  (n) Prevention of Exposure to Blood and Body Fluids training certification date per Chapter 296-823 WAC; Weight #5  (o) Current first aid and infant, child, and adult CPR training, with a hands-on component and valid date range; and Weight #5  (p) Immunization records, if applicable. Weight #5   1. A Licensee, Center Director, Assistant Director, or Program Supervisor must maintain the following records for each early learning provider and staff in a confidential manner. These records must be reviewable by the department and must include at a minimum:   (a) A copy of current government issued photo identification;  (b) Social Security Number or a statement that the provider  does not possess one;  (c) Emergency contact information;  (d) Federal tax documents, EIN if program employs staff;  (e) Completed employment application;  (f) Professional development support plan;  (g) Observation and evaluation information; and  (h) A document confirming orientation to early learning policy and  procedures.  Weight #4   1. An early learning provider must meet all requirements of the Washington State Department of Labor and Industries in the filing and retention of documents. Weight NA | | | |  |  |
| **Justification:**  Modifications to this section addressing staff records includes provisions for the professional development support plan, which is essential so that all personnel have the benefit of a plan to improve knowledge, understanding and practice skills. Records must also include information on observation and evaluation, which will inform the professional development support plan. The federal Child Care and Development Block Grant Act of 2014 and its implementing regulations at 28 C.F.R. §98.44 point to the need for ongoing professional development that provides for a progression and addresses career pathways and development and is made concrete through the professional development support plan. Likewise, *Caring for Our Children, 3rd Edition,* details policies for staff observation and evaluation at STANDARD 1.8.2, including the need for regular review, feedback, and evaluation and the use of this information to inform staff professional development. | | | | | | | | | |
| **Providing for personal, professional, and health needs of staff** | | | | | | | |  |  |
| **Family Home WAC** | | **Center WAC** | | **Proposed WAC** | | | | **Satisfactory/Minor/Major revisions; Concerns; Suggested Alternate Language** | **Conflicts with ECEAP, Head Start, Schools District Standards and Practices** |
| No current WAC | | No current WAC | | **170-300-0120**  **Providing for personal, professional, and health needs of staff.**   1. A Licensee must provide for the personal and professional needs of staff by:    1. Having a secure and convenient place for staff to store personal belongings that is inaccessible to children;    2. Having a readily accessible phone to use for emergency calls or brief conversations with the parents of enrolled children; and    3. Providing file and storage space for professional materials. Weight #4 2. A Licensee must meet Washington State Department of Labor and Industries rules including, but not limited to, required breaks, pay, and benefits. Weight #4      1. A Licensee, Center Director, Assistant Director, or Program Supervisor must exclude staff, including Volunteers, from child care activities when a staff member’s illness or condition poses a risk of spreading harmful diseases to others or compromises the health and safety of others. See WAC 170-300-0205 for possible illnesses and conditions that would exclude a staff member. Weight #6 2. Program staff who take care of infants, toddlers, and non-immunized children must have documentation from a health care provider stating the staff person has been immunized for vaccine preventable diseases and follows DOH’s adult immunization schedule. If a staff person has not been vaccinated, or has shown documented immunity to a vaccine preventable disease, that person may be required by the local health jurisdiction or the department to remain off-site during an outbreak of an illness defined in the current DOH Notifiable Conditions List. Weight #6 3. A Licensee, Center Director, Assistant Director, or Program Supervisor must notify the department, DOH, or the local health jurisdiction within 24 hours of a program staff member being diagnosed with a condition listed in the current DOH Notifiable Conditions List. Unless a health care provider has provided written notification that the staff person can safely return, an early learning provider must follow its health policy (WAC 170-300-0500) before readmitting the staff person into the early learning program, or allowing them to participate in child care activities. Weight #6 4. An early learning program’s health policy must include provisions for excluding or separating staff with a contagious disease as described in the DOH Notifiable Conditions List. Weight #6 | | | |  |  |
| **Justification:**  Proposed WAC 170-300-0120 provides for both the professional and personal needs of the staff for storage. *Caring for Our Children, 3rd Edition*, addresses Storage Areas at STANDARD 5.5. This section identifies the need for “separate storage areas for each child’s and staff member’s personal articles and clothing.” (STANDARD 5.5.0.1) At STANDARD 5.5.0.3 of *Caring for Our Children*, the need for storage for teaching equipment is also mentioned with the note that this storage should not be accessible to children. In keeping with the professional nature of the work that is being done, proposed WAC 170-300-0120(1)(b) also calls out the rationale for a readily accessible phone. This requirement is also endorsed in *Caring for Our Children, 3rd Edition*, at STANDARD 5.3.1.12: Availability and Use of a Telephone or Wireless Communication Device, for both general and emergency use. A phone is needed for emergency purposes as well as for brief conversations with parents, consistent with the standard set by *Caring for Our Children, 3rd Edition.* | | | | | | | | | |