|  |
| --- |
| **Activities – Program and activities** |
| **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-4200Toys, equipment, and recalled items.The licensee must maintain equipment, toys or other items in the child care in good and safe working condition. The licensee must remove a recalled item as soon as the licensee becomes aware that the item used in the licensee's child care operation has been recalled.WAC 170-296A-6575Activities to promote child growth and developmentThe licensee must provide activities that support each child’s developmental stage including:(1) Social, emotional and self-development(2) Positive self-concepts;(3) Language and literacy;(4) Physical development, including daily opportunities to develop the child’s small and large muscles;(5) Spatial concepts (including but not limited to, size or position); and(6) Numeracy (counting and numbers).WAC 170-296A-6600Toys and Play MaterialsThe licensee must provide toys, objects, and other play materials that are:(1) Washable and clean;(2) Nonpoisonous or free of toxins; and(3) For infants, toddlers, or children at those developmental levels, large enough to avoid swallowing or chokingWAC 170-296A-6625Art materials(1) All prepackaged art materials used in the family home child care must be labeled "nontoxic" and as conforming to or meeting "ASTM D-4236." This does not apply to food items used as art materials, bulk paper, or items from the natural environment.(2) Infants, toddlers, and preschool age children must be closely supervised when using art materials. | WAC 170-295-2010 What types of play materials, equipment and activities must I provide for children?You must: (1) Provide a variety of easily accessible learning and play materials of sufficient quantity to implement the centers program and meet the developmental needs of children in care.(2) Have a current daily schedule of activities and lesson plans that are designed to meet the children's developmental, cultural, and individual needs. The toys, equipment and schedule must be: (a) Specific for each age group of children; and (b) Include at least one activity daily for each of the following (you can combine several of the following for one activity): (i) Child initiated activity (free play); (ii) Staff initiated activity (organized play); (iii) Individual choices for play; (iv) Creative expression; (v) Group activity; (vi) Quiet activity; (vii) Active activity; (viii) Large and small muscle activities; and (ix) Indoor and outdoor play.(3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to: (a) Gain self-esteem, self-awareness, self-control, and decision-making abilities; (b) Develop socially, emotionally, intellectually, and physically; (c) Learn about nutrition, health, and personal safety; and (d) Experiment create and explore.(8) Ensure the center’s program affords the child daily opportunities for small and large muscle activities, outdoor play, and exposure to language development and books;WAC 170-295-2030 How should staff interact with children?To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you must: (3) Provide age –appropriate opportunities for the child to grow and develop intellectually. Examples include: (a) Reading readiness skills; (b) Language skills development;(c) Encouraging the child to ask questions;(d) Counting;(e) Matching objects;(f) Differentiating between large and small; and(g) Sorting.(4) Help each child solve problems with intervention as necessary;(5) Encourage children to be creative in their projects;(6) Allow independence in selecting routine activities and projects;(7) Show tolerance for mistakes;(8) Encourage children to try new activities; and(9) Honor all children’s race, religion, culture, gender, physical ability and family structure. | **170-300-0150****Program and activities.**(1) An early learning provider must provide children in care with early learning materials and equipment that are age and developmentally appropriate. For each age group of children in care, a provider must ensure a sufficient supply of materials and equipment that satisfy individual, developmental, and cultural needs. Early learning materials and equipment must be:(a) Clean; (b) Washable or disposable;(c) Nonpoisonous and free of toxins;(d) Large enough to prevent swallowing or choking;(e) In good and safe working condition;(f) Be child-size; (g) Allow for a range of abilities of children in care; (h) Accessible to children in care at child’s height so they can independently find, use, and return materials; (i) Accommodating to special needs of children in care; and(j) Removed from the premises once a provider becomes aware an item has been recalled by CPSC. Weight #6(2) An early learning provider must only use prepackaged art materials that are labeled “non-toxic” and meet ASTM standard D-4236 as described in 16 C.F.R. 1500. 14(b)(8)(i) as now or hereafter amended. This requirement does not apply to food items used as art materials, bulk paper, or items from the natural environment. Weight #5(3) An early learning provider must ensure a sufficient quantity and variety of early learning materials and equipment to engage children in the early learning program. The materials must include, but are not be limited to, arts and crafts materials, texture materials, construction materials, manipulative equipment and materials, music and sound materials, books, and social living equipment. Such materials and equipment must:(a) Encourage both active physical play and quiet play activities. (i) Active play materials and equipment include, but are not limited to, toy balls, bean bags, jump ropes, hula-hoops, riding toys, and developmentally appropriate climbing equipment.(ii) Quiet play materials and equipment include, but are not limited to, puzzles, writing or drawing, musical instruments and dancing scarves.(b) Promote imagination and creativity. For example, building blocks, sand, water, play dough, dramatic play areas, manipulatives, and art materials. (c) Promote language development and literacy skills. For example, interactive storybook reading, writing materials, pattern blocks, alphabet games, rhymes and songs, felt boards, and puppets.(d) Promote numeracy (counting and numbers) and spatial ability. For example, blocks, matching and sorting toys and cards, counting objects, nested cups, measuring and balance items, beads and bead patterns and calendar activities.(e) Encourage discovery and exploration. For example, collections of natural objects such as leaves, rocks, and seashells, magnifying glasses and microscopes, magnets, sink and float objects, planting seeds, aquarium with small animals or fish, and class pets.(f) Promote learning skills. For example, same and different activities, classifying and sorting toys, simple games to help understand rules and cooperation, blocks and accessories, and music. Weight #4 |  |  |
| **Justification:**Two revisions are proposed in the area of program and activities, which address 1) sufficient supply of materials and equipment to satisfy individual, developmental, and cultural needs and placement of these materials so that children can 2) independently find, use, and return materials. With regard to the materials to satisfy the cultural needs of children, *Caring for Our Children, 3rd Edition* notes, at Standard 2.1.1.8, “Indoor and outdoor learning/play environments should have an array of toys, materials, posters, etc. that reflect diverse cultures and ethnicities.” The proposed changes to support supply as well as accessibility of supply are addressed in various provisions throughout Chapter 2. For example, for infants and toddlers, at Standard 2.1.2.3, assumes there is enough supply that is accessible as it states “The indoor and outdoor learning/play environment should encourage and be comfortable with staff on the floor level when interacting with active infant crawlers and toddlers. The indoor and outdoor play and learning settings should provide opportunities for the child to act upon the environment by experiencing age-appropriate obstacles, frustrations, and risks in order to learn to negotiate environmental challenges.” This standard includes the manipulation of objects, i.e. materials. *Caring for Our Children, 3rd Edition* Standard 2.1.3.2: Opportunities for Learning for Three- to Five-Year-Olds addresses sufficiency of materials and the independence of children. It states “Programs should provide children a balance of guided and self-initiated play and learning indoors and outdoors. These should include opportunities to observe, explore, order and reorder, to make mistakes and find solutions, and to move from the concrete to the abstract in learning.The early learning guidelines of the state, as well, stress the importance of meeting the individual and cultural developmental needs of children. See Washington State Early Learning and Development Guidelines Birth through 3rd Grade 2012. Likewise, in the 23 meetings in April and May 2016, 467 stakeholders shared their feedback on a set of proposed licensing standards drafts, representing all types of early learning providers and a wide variety of racial, ethnic, cultural, refugee and immigrant, income, and linguistic communities including Native American, African-American, Hispanic/Latino, Asian, Yakama Nation, East African, Filipino, Spanish-speaking, Somali-speaking, Oromo-speaking and Russian-speaking. Honoring family culture was an important theme and recommendation of these stakeholders, as was the need to support ongoing child development. |

|  |
| --- |
| **Activities – Use of television, video, and computers** |
| **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-6650 If the licensee or staffprovide screen time for children in care, the screen time must:1. Be educational, and developmentally and age appropriate;
2. Have child-appropriate content; and
3. Not have violent or adult content.

WAC 170-296A-6675 Screen time – LimitationsThe licensee or staff must:1. Limit screen time for any child to less than two hours per day during operating hours
2. Not require children to participate in screen time;
3. Provide alternative activities to screen time; and
4. Place children at least 3 feet away from a television screen.

WAC 170-296A-6700The licensee must minimize exposure to screen time for any child under the age of two by:1. Providing alternative activities for the child;
2. Moving the child away from direct view of the screen; and
3. Positioning the child so the child is not able to view the screen
 | There is no current center WAC. | **170-300-0155****Use of television, video, and computers.** If an early learning provider offers screen time to children in care: 1. The screen time available for each child must be educational, developmentally and age appropriate, non-violent, and culturally sensitive; Weight #5

(2) The screen time must be interactive. For example, staff must help children focus on the story on the screen and less on the sounds and movements. Staff must ask questions and direct children to point to pictures or talk about what is happening; Weight #41. Children must not be required to participate in screen time activities; Weight #4
2. Alternative activities must be provided to children in care when the television or computer is being used; Weight #1
3. Screen time must not occur during meals or snacks; Weight #4
4. Total screen time must not exceed one hour per day for each child over 24 months of age in full-day care (30 minutes per child in half-day care); Weight #4
5. For preschool children, computer use must be limited to 15 minutes per day for each child in full-day care (7 minutes per child in half-day care) unless computer use is a part of curriculum approved under this chapter; Weight #3
6. For school-age children, computer use must be limited to 30 minutes per day for each child unless computer use is required for homework or a part of curriculum approved under this chapter; and Weight #4

(9) There must not be screen time for children under 24 months of age. Weight #4 |  |  |
| **Justification:**Proposed regulation 170-300-0155 considers the use of television, video, and computers, and makes the following modifications. First, it requires that screen time be interactive and supported by adults; second, it specifies that screen time is not allowed during meals or snacks; third, it specifies the amount of screen time by age, barring it for children under 24 months of age and limiting use for no more than one hour for children of other ages; and fourth, restricting computer use by age. *Caring for Our Children, 3rd Edition* addresses these issues in STANDARD 2.2.0.3: Limiting Screen Time –Media, Computer Time. The proposed regulation is not as narrow as that put forward by Caring for Our Children, which states “In early care and education settings, media (television [TV], video, and DVD) viewing and computer use should not be permitted for children younger than two years. For children two years and older in early care and early education settings, total screen time should be limited to not more than thirty minutes once a week, and for educational or physical activity use only. During meal or snack time, TV, video, or DVD viewing should not be allowed (1). Computer use should be limited to no more than fifteen-minute increments except for school-age children completing homework assignments (2) and children with special health care needs who require and consistently use assistive and adaptive computer technology.” Caring for Our Children is used to set forward expectations for children younger than two, and for screen time during meals, as well as the restrictions on computer use. However, in keeping with updated information available from the American Academy of Pediatrics (the lead author of Caring for Our Children), the regulations include the recommendation that for children ages 2 to 5 years, limit screen time should be limited to 1 hour per day.” See http://pediatrics.aappublications.org/content/138/5/e20162591 |

|  |
| --- |
| **Activities – Promoting acceptance of diversity** |
| **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-6775The licensee must:(1) Provide an environment that reflects each child's daily life, family culture and language, and the diversity in society.(2) Describe or demonstrate to the licensor, or have a written plan for how:(a) The licensee will discuss with parents how the child care reflects that child's daily life and family's culture or language; and(b) The child care environment reflects the diversity in society. | No current WAC | **170-300-0160****Promoting acceptance of diversity.**(1) An early learning provider must provide culturally and racially diverse learning opportunities. Diverse learning opportunities must be demonstrated by the provider’s curriculum, activities, and materials that represent all children, families, and staff. To promote diverse learning opportunities, a provider must use the following equipment and materials in an early learning program:(a) Diverse dolls, books, pictures, games, or materials; (b) Diverse music from many cultures in children’s primary languages; and(c) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders. Weight #4(2) An early learning provider must intervene appropriately to stop biased behavior displayed by children or adults including, but not limited to:(a) Refusing to ignore bias;(b) Being aware of situations that may involve bias and responding appropriately; and(c) Taking appropriate action when observing biased behavior such as redirecting an inappropriate conversation or inappropriate behavior. Weight #6 |  |  |
| **Justification:***Caring for Our Children, 3rd Edition* includes a set of Guiding Principles, one of which says, “The expression of, and exposure to, cultural and ethnic diversity enriches the experience of all children, families, and staff. Planning for cultural diversity through the provision of books, toys, activities and pictures and working with language differences should be encouraged.” Additional information is provided at Standard 2.1.1.8: Diversity in Enrollment and Curriculum, which includes “Indoor and outdoor learning/play environments should have an array of toys, materials, posters, etc. that reflects diverse cultures and ethnicities. Stereotyping ofany culture must be avoided.” The proposed regulation provides concrete information to support a positive focus on diversity as well as prohibitions on bias in this new regulation.The early learning guidelines of the state, as well, stress the importance of meeting the individual and cultural developmental needs of children. See Washington State Early Learning and Development Guidelines Birth through 3rd Grade 2012. Likewise, in the 23 meetings in April and May 2016, 467 stakeholders shared their feedback on a set of proposed licensing standards drafts, representing all types of early learning providers and a wide variety of racial, ethnic, cultural, refugee and immigrant, income, and linguistic communities including Native American, African-American, Hispanic/Latino, Asian, Yakama Nation, East African, Filipino, Spanish-speaking, Somali-speaking, Oromo-speaking and Russian-speaking. Honoring family culture was an important theme and recommendation of these stakeholders, as was the need to support ongoing child development. |

|  |
| --- |
| **Safety – Safety 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-4100Poisons, chemicals and other substances(1) The licensee must:(a) Store poisons inaccessible to children and where poisons will not contaminate food.(b) If poisons are not in the original container, clearly label the container with the name of the product and the words "poison" or "toxic."(2) The following describes chemicals and other substances that must be stored inaccessible to children:(a) Nail polish remover;(b) Sanitizers and disinfectants;(c) Household cleaners and detergents;(d) Toxic plants;(e) Plant fertilizer;(f) Ice melt products;(g) Pool chemicals;(h) Pesticides or insecticides;(i) Fuels, oil, lighter fluid, or solvents;(j) Matches or lighters;(k) Air freshener or aerosols;(l) Personal grooming products including, but not limited to:(i) Lotions, creams, toothpaste, or diaper creams when not in use;(ii) Liquid, powder, or cream personal hygiene products;(iii) Shampoo, conditioners, hair gels or hair sprays;(iv) Bubble bath or bath additives;(v) Makeup or cosmetics.(m) Dish soap, dishwasher soap or additives;(n) Tobacco products, including cigarette/cigar butts and contents of ashtrays; or(o) Alcohol, open or unopened.WAC 170-296A-4250Indoor temperatureThe indoor temperature must be no less than:(1) Sixty degrees Fahrenheit when children are sleeping or napping; and(2) Sixty-five degrees Fahrenheit when the majority of the children are awake.WAC 170-296A-4275Fans, air conditioning or cross ventilationThe licensee must use a fan, air conditioner or cross ventilation in licensed space when the inside temperature exceeds eighty degrees Fahrenheit. Fans and air conditioners must be kept inaccessible to the children.WAC 170-296A-4300Window coverings(1) Window coverings with pull cords or inner cords capable of forming a loop are prohibited as provided by RCW [43.215.360](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215.360).(2) Window coverings may be allowed that have been manufactured or altered to eliminate the formation of a loop.(3) A window covering may not be secured to the frame of a window or door used as an emergency exit in any way that would prevent the window or door from opening easily.WAC 170-296A-4325Stairs(1) If there are stairs in the licensed space, the licensee must:(a) Keep the stairway well lit;(b) Keep the stairway free of clutter; and(c) Have a handrail not higher than thirty-eight inches high or sturdy slats on one side of the stairs.(2) The licensee must provide a pressure gate, safety gate, or a door to keep the stairs inaccessible to infants and toddlers when not in use.(3) Openings between slats or on pressure gates or safety gates must not be larger than three and one-half inches wide.WAC 170-296A-4350Electrical outlets, cords and power strips(1) The licensee must provide tamper-resistant outlet covers or receptacles in areas accessible to children. As used in this section "tamper-resistant receptacle" also means tamper-resistant outlets or child safety outlets that have automatic shutters which allow insertion of electrical plugs but block insertion of other objects.(2) Interior outlets near sinks, tubs or toilets must be:(a) Tamper-resistant ground fault circuit interrupter (GFCI) type; or(b) Made inaccessible to the children.(3) Electrical cords must be:(a) Secured to prevent a tripping hazard;(b) In good working order, not torn or frayed and without any exposed wire; and(c) Plugged directly into an outlet or a surge protector.(4) Power strips with a surge protector may be used and must be made inaccessible to the children.(5) Extension cords may be used only for a brief or temporary purpose and must be plugged directly into an outlet or into a surge protected power strip.WAC 170-296A-4360Area lighting(1) In the licensed space, lighting must be bright in the children's activity areas, eating areas and the bathroom.(2) All other areas in the licensed space must have lighting so children are safe.170-296A-4375Lighting safety(1) When ceiling-mounted light fixtures are in the licensed space accessible to children, the licensee must provide one or more of the following:(a) Shatter-resistant covers;(b) Shatter-resistant light bulbs; or(c) Otherwise make the light fixtures safe.(2) The licensee must not:(a) Allow bare light bulbs in any play space;(b) Use lights or light fixtures indoors that are intended or recommended for outdoor use; or(c) Use halogen lamps in any area accessible to children during operating hours.WAC 170-296A-4725Guns and other weapons(1) The licensee must store guns, ammunition and other weapons inaccessible to children in a:(a) Locked gun safe; or(b) Locked room.(2) If stored in a locked room, each gun must be stored unloaded and with a trigger lock or other disabling feature.WAC 170-296A-4950Rails on platforms, decks, and stairs(1) Platforms or decks (not including play equipment) used at any time for child care activities with a drop zone of more than eighteen inches must have guardrails in any area where there are no steps.(2) Outdoor stairs with four or more steps must have slats (balusters) or a hand rail not higher than thirty-eight inches high on at least one side. Openings between the slats must be no wider than three and one-half inches. This requirement does not apply to outdoor play equipment with stairs. | WAC 170-295-5020How do I maintain a safe environment?1. You must maintain the building, equipment and premises in a safe manner that protects the children from injury hazards including but not limited to:

(a) Burns (for example: Chemicals or other potentially flammable substances);(b) Drowning;(c) Choking (for example: Ropes, wires, blind cords, fences not meeting requirements);(d) Cuts (for example: Broken glass, sharp objects, abrasive surfaces);(e) Entrapments (for example: The following items must not have openings between three and one-half inches and nine inches wide: Deck and fence rails, stair rails or other equipment);(f) Falls from excessive heights;(g) Gunshots by ensuring no firearm or another weapon is on the premises;(h) Hearing loss by keeping noise at a level where a normal conversation can be heard;(i) Objects falling on the children (for example: Heavy items on open shelving that could fall in an earthquake or similar emergency);(j) Pinches from equipment (for example: Broken or cracked areas);(k) Poison (such as cleaning supplies or lead-based paint);(l) Puncture (for example: Equipment, building edges or playground equipment with sharp points or jagged edges);(m) Shear or crush (for example: Lawn and garden equipment used for yard maintenance);(n) Shock by electricity;(o) Trap (for example: Compost bins, old freezers, dryers or refrigerators); and(p) Trip (for example: Cable wires, ropes, jagged or cracked walkways).(2) To further prevent injuries, you must(a) Provide child height handrails on at least one side of the steps, stairways, and ramps;(b) Provide guardrails for elevated play areas and stairs;(c) Use listed tamper resistant receptacles or use tamper resistant, nonmoveable, nonremovable cover plates in areas accessible to children preschool age and younger;(d) Shield light bulbs and tubes by using a protective barrier to prevent shattering into child-accessible areas, food, and storage areas;(e) Provide screens for windows or limit the opening capability of any windows within reach of children to less than three and one-half inches. Windows with limited opening capabilities cannot be the designated fire escape window. Windows protected with guards must not block outdoor light or air in areas used by children;(f) Provide a barrier for glass areas such as windows or sliding glass doors that extend down to the child's eye level by placing a barrier between the child and glass or something placed on the glass at the child's eye level such as stickers or art work so that the child does not try to go through the solid glass;(g) Not place cribs, play pens, bassinets, infant beds, indoor climbing structures next to windows unless of safety glass; and (4) You must implement a method to monitor entrance and exit doors to prevent children from exiting the buildings unsupervised. You may use:(a) A door alarm;(b) A bell that can be heard throughout the building;(c) Adult supervision at the exits; or(d) Other method to alert the staff (you may not lock the door to prevent an exit. It is against the fire code).WAC 170-295-5150Are there temperature requirements for my facility?(1) You must maintain all rooms used by children at temperature of:(a) Sixty-eight degrees Fahrenheit to 75 degrees Fahrenheit during winter months; and(b) Sixty-eight degrees Fahrenheit to 82 degrees Fahrenheit during the summer months.(2) In addition, you must:(a) Equip the room or building with a mechanical air cooling system or equivalent when the inside temperature of child-occupied areas exceeds 82 degrees Fahrenheit. This includes but is not limited to, swamp coolers, fans, air conditioners, or drip systems; | **170-300-0165****Safety requirements.**1. An early learning provider must keep indoor and outdoor early learning program space, materials, and equipment free from hazards and in safe working condition. Weight #7
	1. An early learning program must purchase and use equipment and toys that are compliant with CPSC guidelines or ASTM standards as now or hereafter amended; and Weight #3
	2. Playground surfaces must have a certificate of compliance, label, or documentation stating they meet ASTM standards F1292-13 and F2223-10 as now or hereafter amended. Weight #3
2. An early learning provider must prevent hazards to children including, but not limited to:
3. Making inaccessible to infants and toddlers any equipment, material, or objects that may pose a risk of choking, aspiration, or ingestion. For the purposes of this section, equipment, material, or objects that have a diameter or total size of one and three-quarter (1 ¾) inches or less shall be considered items that may pose a risk of choking, aspiration, or ingestion. Small parts from larger equipment, material, or objects that have a diameter or total size of one and three-quarter (1 ¾) inches or less, that may become detached from the larger equipment, materials, or object shall also be considered items that may pose a risk of choking, aspiration, or ingestion;
4. Eliminating and not using in the premises, pursuant to RCW 43.215.360, as now or hereafter amended, any window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing risk of strangulation to children;
	1. Window blinds and other window coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are allowed;
	2. A window covering must not be secured to the frame of a window or door used as an emergency exit in a way that would prevent the window or door from opening easily.
5. Making inaccessible to children straps, strings, cords, wires, or similar items capable of forming a loop around a child’s neck. Activities using string, yarn, jump ropes, or other similar items must be supervised at all times;
6. Making inaccessible to children plastic bags and other suffocation hazards;
7. Making inaccessible to children poisons, chemicals, toxins, or any product labeled “Keep out of reach of children”;
8. Ensuring firearms, guns, weapons, or ammunition are not on the premises of a center early learning program. Firearms, guns, weapons, and ammunition on the premises of a family home early learning program must be stored in a locked gun safe or locked room inaccessible to children. If stored in a locked room, each gun must be stored unloaded and with a trigger lock or other disabling device. The locked room must be inaccessible to children at all times; and
9. Preventing children from attempting to walk or go through a glass door, window, or other glass barrier, there must be stickers or art work placed at child’s eye level on the glass. Cribs, play pens, bassinets, infant beds, and indoor climbing structures must not be placed next to windows unless the window is made of safety glass.

Weight #81. An early learning provider must prevent other hazards to children in care in early learning program space including, but not limited to:
2. **Cuts, abrasions, and punctures.** Equipment, materials, and other objects on the premises that have sharp edges, points, corners, protruding nails, bolts, or other dangers must be repaired, removed, or made inaccessible to children;
3. **Burns.** Equipment, materials, or products that may be hot enough to injure a child must be made inaccessible to children;
4. **Sheering, crushing, or pinching.** Broken or cracked equipment, materials, and objects must be repaired, removed, or made inaccessible to children;
5. **Splinters**. All equipment, materials, and objects made of wood or material that splinters must be sanded and sealed;
6. **Entrapment.** Freezers, refrigerators, washers, dryers, compost bins, and other entrapment dangers must be inaccessible to children;
7. **Tripping.** Cables, wires, ropes, and chains must not be a tripping hazard and must be inaccessible to children. Uneven walkways, damaged flooring or carpeting, or other tripping hazards are prohibited;
8. **Falling objects.** Large objects must be securely attached to the premises. Large objects include, but are not limited to, televisions, dressers, bookshelves, wall cabinets, sideboards or hutches, and wall units; and
9. **Equipment in poor condition.** Equipment with loose parts, rusty parts, flaking paint, or other dangers must be repaired, removed, or made inaccessible to children. Weight #8
10. To ensure a safe environment for children in care, an early learning provider must comply with the following requirements:
11. **Indoor temperatures for the premises.**
	1. The indoor temperature for the early learning premises must not be less than 65 degrees Fahrenheit or greater than 82 degrees Fahrenheit; and
	2. Fans, air conditioner or cross ventilation must be used in licensed space when the indoor temperature exceeds 82 degrees Fahrenheit. Fans and air conditioners must be inaccessible to children.
12. **Windows screens and openings.** All windows designed to be opened and within the reach of children must have screens. Windows within the reach of children must only open up to three and one-half inches. The three and one-half inch opening does not apply to a family home early learning program when a window is utilized as an exit window.
13. **Premises lighting.** All areas of an early learning program premises must have natural or artificial light that provides appropriate illumination for early learning program activities and supervision. A provider must comply with all light fixture manufacturer’s installation and use requirements. A provider must also ensure compliance with the following requirements:
	1. Light fixtures must have shatter-resistant covers or light bulbs;
	2. Lights or light fixtures used indoors must be designed for indoor use only;
	3. Free standing lamps and table lamps must be attached or secured to the floor or a table to prevent tipping; and
	4. Halogen lamps and bulbs are prohibited.
14. **Safe noise levels.** Noise levels must be maintained at a level in which a normal conversation may occur.
15. **Safe water temperature.** All water accessible to children must not be hotter than 120 degrees Fahrenheit.
16. **Stairway safety.**
	1. All stairways (indoor and outdoor) must have natural or artificial light that provides sufficient illumination to safely use the stairway;
	2. There must not be clutter or obstructions in the stairway;
	3. All stairways (indoor and outdoor), not including play structures, must meet local building codes pursuant to RCW 43.215.308 within six months of the date this section becomes effective. Open stairways with no walls on either side must have handrails with slats (balusters) that prevent a child from falling off either side of the stairway. For stairways with a wall on only one side, there must be a handrail with slats (balusters) on the side without the wall that prevents a child from falling off the stairway. For stairways with a wall on both sides, there must be at least one side of the stairway that has a handrail no higher than 38 inches; and
	4. Stairways must have a pressure gate, safety gate or, door to keep stairs inaccessible to infants and toddlers when not in use. Openings between slats on pressure or safety gates must not be larger than three and one-half inches wide.
17. **Platforms and decks.** All platforms and decks used for child care activities must meet local building codes pursuant to RCW 43.215.308 within six months of the date this section becomes effective. This does not include play equipment. All platforms and decks with a drop zone of more than 18 inches must have guardrails in sections without steps. Weight #7
18. To ensure a safe environment for children in care, an early learning provider must comply with the following electrical requirements:
19. In areas accessible to children, electrical outlets must have automatic shutters that only allow electrical plugs to be inserted (tamper-resistant) or are covered by blank plates;
20. Outlets near sinks, tubs, toilets, or other water sources must be inaccessible to children or be tamper-resistant and equipped with a ground fault circuit interrupter (GFCI) outlet type;
21. Electrical cords must be in good working condition, not torn or frayed, and not have any exposed wires;
22. Electrical cords must be plugged directly into a wall outlet or a surge protector;
23. Power strips with surge protectors may be used but must not be accessible to children in care;
24. Extension cords may only be used for a brief, temporary purpose and must not replace direct wiring; and
25. Electrical devices accessible to children must not be plugged into an electrical outlet near a water source such as sink, tub, water table, or swimming pool.

Weight #7 |  |  |
| **Justification:**A revision is proposed that concerns electrical devices and water sources. This is addressed in *Caring for Our Children, 3rd Edition*, STANDARD 5.2.4.4: Location of Electrical Devices Near Water, which states that “no electrical device or apparatus accessible to children should be located so it could be plugged into an electrical outlet while a person is in contact with a water source, suchas a sink, tub, shower area, water table, or swimming pool.”  |

|  |
| --- |
| **Safety – Emergency preparation and exiting**  |
| **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-2700Emergency flashlightThe licensee must have a working flashlight available for use as an emergency light source and extra batteries if the flashlight is powered by batteries.WAC 170-296A-2775Telephone(1) The licensee must have a working telephone in the licensed space.(2) The licensee must have a telephone readily available with sufficient backup power to function for at least five hours in the event of an electrical power outage.WAC 170-296A-4400Exit doors(1) "Exit door" means any door in the licensed space that opens to the exterior of the home. Emergency exit doors are covered in WAC [170-296A-4500](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-4500).(2) The licensee must have a method on exit doors to alert the licensee or staff when an exit door is opened. The licensee may use a chime, bell, alarm, or other device as an alert method.(3) An exit door that is not designated as an emergency exit door may be locked during operating hours. The door knob or handle must be of the type that can be opened from the inside without use of a key, tools, or special knowledge, and must automatically unlock when the door knob or handle is turned.(4) At least one exit door must be of the pivoted or side-hinged swinging type. Other exit doors may be sliding glass doors.WAC 170-296A-4450Interior door and locksAn interior door is any door that does not exit to the exterior of the home. Any interior door in the licensed space that locks must be able to be unlocked from either side. An unlocking device must be readily available for staff to unlock any interior door when a child is locked in. | **WAC 170-295-5020****How do I maintain a safe environment?** (5) You must maintain one or more telephones on the premises in working order that is accessible to staff at all times.(6) You must maintain a flashlight or other emergency lighting device in working condition. | **170-300-0166****Emergency preparation and exiting.**1. To be properly prepared for an emergency, an early learning program must have and follow an emergency preparedness plan pursuant to WAC 170-300-0470 and comply with the following requirements:
2. A working flashlight or other emergency lighting device must be available for use as an emergency light source. Battery powered flashlights must have an extra set of batteries easily available; and
3. A working telephone must be available for use with sufficient backup power to function for at least five hours.

Weight #61. To ensure a safe exit from the premises during an emergency, the early learning provider must comply with the following requirements:
2. Emergency exit doors must remain unlocked while the early learning program is open. The door handle must be of the type that can be opened from the inside without the use of a key, tools, or special knowledge, and must automatically unlock when the knob or handle is turned;
3. Exit doors that are not designated as an emergency exit door may be locked during operating hours. Locking interior doors in early learning program space must be designed to be unlocked from either side. An unlocking device must be readily available; and
4. Family home early learning programs must have at least one pivoting or side-hinged swinging exit door. Other exit doors may be sliding glass doors.

Weight #7 |  |  |
| **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. |

|  |
| --- |
| **Safety – Fire safety** |
| **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-2575Combustible and flammable materials(1) The licensee must not allow combustible materials (including, but not limited to, lint, or rags soaked in grease, oils, or solvent) to accumulate; those items must be removed from the building or stored in a closed metal container.(2) The licensee must store items labeled "flammable," in areas that are inaccessible to children and away from exits.WAC 170-296A-2600Furnaces and other heating devices(1) The licensee must keep paper, rubbish, or combustible materials at least three feet away from any furnace, fireplace, or other heating device.(2) A furnace must be inaccessible to the children, isolated, enclosed or protected.(3) Any appliance or heating device that has a hot surface capable of burning a child must be made inaccessible to the children in care during operating hours when the appliance or device is in use or is still hot after use.WAC 170-296A-2625Electrical motorsThe licensee must keep electrical motors on appliances free of accumulated dust or lint.WAC 170-296A-2650Inspection of fireplaces, wood stoves, or similar wood-burning heating devicesAny chimney, fireplace, wood stove or similar wood-burning device in use in the licensed home must be inspected yearly unless the licensee provides a written statement that the chimney, fireplace, wood stove or similar wood-burning device will not be used at any time.WAC 170-296A-2675Open flame devices, candles, matches and lighters(1) Except as provided in WAC [170-296A-2650](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-2650) or kitchen ranges using natural gas or propane, the licensee must not use or allow the use of open flame devices in the licensed space or any space accessible to the children during operating hours.(2) The licensee must not use or allow the use of candles during operating hours.(3) The licensee must keep matches and lighters inaccessible to children.WAC 170-296A-2725Portable heaters and generators(1) The licensee must not use or allow the use of portable heaters or fuel powered generators in any area inside of the family home child care or building during operating hours.(2) When a portable fuel-powered generator is in use:(a) The generator must be placed at least fifteen feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the home; and(b) Appliances must be plugged directly into the generator or to a heavy duty outdoor-rated extension cord that is plugged into the generator.WAC 170-296A-2950Smoke and carbon monoxide detectors(1)(a) The licensee must have and maintain working smoke detectors in the home.(b) At least one smoke detector must be located:(i) In each licensed sleeping area; and(ii) On each level of the home.(c) Smoke detectors must be placed on the ceiling or wall, but not on the wall above any door.(2) The licensee must have and maintain working carbon monoxide detectors in the home as provided in RCW [19.27.530](http://app.leg.wa.gov/RCW/default.aspx?cite=19.27.530) and WAC [51-51-0315](http://apps.leg.wa.gov/WAC/default.aspx?cite=51-51-0315).(3) One extra battery for each smoke detector and each carbon monoxide detector must be kept on the premises.WAC 170-296A-2975Additional method to sound an alarmIn addition to working smoke detectors, the licensee must have an additional method to sound an alarm that is used only in a fire, emergency situation or drill.WAC 170-296A-3000Fire extinguishers(1) The licensee must have working fire extinguishers, minimum 2 A: 10 BC, readily available. A fire extinguisher must be:(a) Located on each level of the home used for child care; and(b) Mounted:(i) Within seventy-five feet of an exit; and(ii) Along the path of an exit.(2) A fire extinguisher may be mounted in a closed unlocked closet. There must be:(a) A sign on the closet door to indicate that a fire extinguisher is mounted inside; and(b) No obstructions blocking access to the closet.(3) The licensee must have documentation on file of annual:(a) Fire extinguisher maintenance; or(b) Proof of purchasing new extinguishers.WAC 170-296A-3025Fire extinguisher, smoke/carbon monoxide detector use and testingThe licensee and staff must demonstrate to the licensor how to:(1) Use fire extinguishers;(2) Test and operate the smoke detectors;(3) Test and operate carbon monoxide detectors if required under WAC [170-296A-2950](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-2950); and(4) Test alternate alarm device(s).WAC 170-296A-3050Monthly fire inspectionThe licensee must inspect the home once each calendar month to identify possible fire hazards and take action to eliminate any hazards found. If the licensee employs a primary staff person, the primary staff person must participate in monthly fire hazard inspections. The licensee must keep records of monthly inspections.WAC 170-296A-4475Emergency exit pathwaysThe licensee must keep pathways to all emergency exits free from clutter and obstructions. Emergency exits and pathways to emergency exits are licensed space.WAC 170-296A-4500Emergency exits—General(1) Each level of the home (floor) used for licensed child care space must have at least two emergency exits that open directly to the exterior of the home.(a) The emergency exits on each floor must be remotely located from each other, at opposite ends of the building or as widely spaced as possible.(b) One exit must be an emergency exit door as defined in WAC [170-296A-4525](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-4525) and the other exit may be a door or an emergency window as defined in WAC [170-296A-4550](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-4550).(2) Every room used for child care, except bathrooms, must have two separate ways to exit that must be:(a) An emergency exit door and emergency exit window leading directly to the exterior of the building;(b) An emergency exit door or emergency exit window and an interior door or doorway leading to an emergency exit pathway; or(c) Two separate doors or doorways leading to two separate emergency exit pathways.See WAC [170-296A-4575](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-4575) for additional requirements for rooms used for sleeping or napping.(3) If child care is provided in a basement or level of the home accessed by an interior stairway, the stairway must have a self closing door at the top or bottom. As used in this section "basement" means the portion of the home that is partly or completely below grade.(4) Any basement approved for licensed child care must have two means of emergency exit, which may be one of the following:(a) Two emergency exit doors that exit directly to the exterior of the home without entering the first floor; or(b) One of the two emergency exits is an emergency exit window or emergency exit door, and the other exit is an interior stairway that leads to an emergency exit.WAC 170-296A-4525Emergency exit doors(1) An emergency exit door must open to the exterior of the home.(2) Any door used as an emergency exit door must:(a) Remain unlocked from the inside during operating hours; and(b) Be easy to open to the full open position.(3) If the emergency exit door opens to a landing that is four feet (forty-eight inches) or more above grade, the landing must lead to a stairway or ramp to get to ground level.WAC 170-296A-4550Emergency exit windows(1) Any window used as an emergency exit window must:(a) Remain unlocked during operating hours, except a manufacturer-installed latch may be latched;(b) Be designed to open from the inside of the room without the use of keys, tools or special knowledge; and(c) Be easy to open to the full open position.(2) An emergency exit window must be at least five point seven square feet of opened area, except emergency exit windows on the ground floor may be five square feet of opened area. When open, the window opening must be at least:(a) Twenty inches wide; and(b) Twenty-four inches tall.(3) An emergency exit window must have an interior sill height of forty-four inches or less above the interior floor. If the interior sill height is more than forty-four inches above the interior floor, a sturdy platform (which may be a table or other device) may be used to make the distance forty-four inches or less to the interior window sill. The platform must be in place below the window sill at all times during operating hours.(4) An emergency exit window must have a place to land outside that is forty-eight inches or less below the window which may be either:(a) The ground; or(b) A deck, landing or platform constructed to meet current building codes.WAC 170-296A-4575Emergency exits from areas used only for sleeping/napping areasEach room used for sleeping or napping must have two ways to exit:(1) One exit must be an emergency exit door or emergency exit window leading directly to the exterior of the building;(2) The other exit may be an interior door leading to an emergency exit pathway.WAC 170-296A-4600Commercial use areas—Fire wall(1) The licensed space must have a fire resistant wall separating the child care space from any space used as a commercial:(a) Kitchen;(b) Boiler;(c) Maintenance shop;(d) Laundry;(e) Woodworking shop;(f) Storage where flammable or combustible materials are stored;(g) Painting operation;(h) Automobile or boat building or repair;(i) Parking garage; or(j) Other similar commercial operation.(2) Emergency exits pathways must not exit to or go through the commercial space. | WAC 170-295-5020How do I maintain a safe environment?(1) You must maintain the building, equipment and premises in a safe manner that protects the children from injury hazards including but not limited to:(a) Burns (for example: Chemicals or other potentially flammable substances);(h) When using heaters capable of reaching 110 degrees Fahrenheit on the surface, you must protect children from burn hazards by making them inaccessible to children or locating them where children cannot reach them.(3) You may not use portable heaters. (5) You must maintain one or more telephones on the premises in working order that is accessible to staff at all times.(6) You must maintain a flashlight or other emergency lighting device in working condition. | **170-300-0170****Fire safety.**1. An early learning provider must comply with the State Building Code as now or hereafter amended, pursuant to RCW 19.27.031. Weight #7
2. An early learning provider must arrange for a building and fire safety inspection annually, and inspection documents must be available for department review. A provider must arrange a building or fire safety inspection with a local government agency. If a local government agency is not available to conduct a fire safety inspection, a provider must inspect for fire safety using the State Fire Marshal form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>). Weight #6
3. To ensure a safe environment for children in care, an early learning provider must comply with the following fire safety requirements:
4. **Combustible materials.** Combustible materials must be properly discarded pursuant to local jurisdictions, removed from the premises, or properly stored in closed metal containers specifically designed to hold such combustible materials. Combustible materials stored in a closed metal container must not be stored in the premises licensed space or any place that may be accessible to children in care. Combustible materials include, but are not limited to, lint, gasoline, natural gas, diesel, fuel, propane, rags soaked in combustible materials, oils, chemicals, or solvents.
5. **Furnaces and other heating devices.**

(i)Paper, rubbish, or other combustible materials must be at least three feet from furnaces, fireplaces, or other heating devices;1. Furnaces and other heating devices must be inaccessible to children in care; and
2. An appliance or heating device that has a surface capable of burning a child or reaching 110 degrees Fahrenheit must be inaccessible to children in care.
3. **Electrical motors.** Electrical motor fans and appliances must be regularly cleaned to prevent accumulation of dust or lint.
4. **Open flame devices, candles, matches and lighters.** Except for the use of a gas kitchen range, open flame devices must not be used in early learning program space or any other space accessible to children in care during operating hours. Candles must not be used during operating hours, matches, and lighters must be inaccessible to children.
5. **Portable heaters and generators.** Portable heaters or fuel powered generators must not be used inside early learning program space during operating hours.
	1. In case of an emergency, a generator may be used but must be placed at least 15 feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the premises or early learning space; and
	2. Appliances must be plugged directly into a generator or into a heavy duty outdoor-rated extension cord that is plugged into a generator.
6. **Fireplaces, woodstoves, or similar wood burning heating devices.** Chimneys, fireplaces, gas burning fireplaces, wood stoves or similar wood-burning devices must be inspected annually by a state or locally certified inspector, unless the provider submits to the department a written statement that the chimney, fireplace, wood stove or similar word-burning device will not be used at any time.
7. **Fire alarms and smoke and carbon monoxide detectors.**
	1. An early learning program must have and maintain at least one smoke detector per licensed sleeping area and one per floor. Pursuant to the State Building Code, center early learning providers must comply with WAC 51-50-0907 and family early learning providers must comply with WAC 51-51-0314; and
	2. An early learning program must have and maintain carbon monoxide detectors. Pursuant to the State Building Code, the State Building Code, center early learning providers must comply with WAC 51-50-0915 and family early learning providers must comply with WAC 51-51-0315.
8. **Backup method to sound an alarm.** In addition to working smoke detectors, an early learning program must have another method to alert all staff and enrolled children of a fire, emergency situation, or drill.
9. **Extinguishers.** An early learning program must have and maintain working fire extinguishers that are marked with a minimum rating of 2A:10 BC.
	1. Fire extinguishers must be readily available for use in case of an emergency;
	2. Fire extinguishers must be located on each level of the early learning program space used by children and mounted within seventy-five feet of an exit next to the path of the exit; and
	3. If a fire extinguisher is mounted in a closet, there must be a sign indicating the location of the extinguisher and obstructions must not block access to the closet.
10. **Monthly inspections.** At least once per month a provider must inspect the premises to identify possible fire hazards and eliminate any hazards found. A provider must:
11. Involve Lead Teachers responsible for a child or group of children and staff persons responsible for observing the premises or their individual classrooms.
12. Keep records of monthly inspections for department review for:
13. Fire extinguishers;
14. Smoke detectors;
15. Alternate alarms; and
16. Emergency lighting. Weight #7
 |  |  |
| **Justification:**In this regulation addressing fire safety there are three new proposed additions. The first concerns the need for an annual inspection for fire/building purposes for submission to DEL. The second addresses appliances, and adds a caveat that those that can go up to 110 degree F must be kept inaccessible to children. The third requires lead teachers to be involved in the previously required monthly inspections for fire safety.The first proposed revision conforms to *Caring for Our Children, 3rd Edition*, Standard 5.1.1.3: Compliance with Fire Prevention Code, which provides that “Every twelve months, the child care facility should obtain written documentation to submit to the regulatory licensing authority that the facility complies with a state-approved or nationally recognized Fire Prevention Code. If documentation should be obtained from a fire prevention official with jurisdiction where the facility is located. Where fire safety inspections or a Fire Prevention Code applicable to child care centers is not available from local authorities, the facility should arrange for a fire safety inspection by an inspector who is qualified to conduct such inspections using the National Fire Protection Association’s NFPA 101: Life Safety Code.” *Caring for Our Children, 3rd Edition* notes that heating units must be inaccessible to children, including those at 120 degree F or more at Standard 5.2.1.13. The language reads, “Heating equipment and units, including hot water heating pipes and baseboard heaters with a surface temperature hotter than 120°F, should be made inaccessible to children by barriers such as guards, protective screens, or other devices.” In an effort to prevent any child from harm or a burning hazard, DEL has chosen to require 110 degrees to adhere to standards from the National Institutes of Standards and Technology (part of the Dept. of Commerce) and the American Burn Association. The research conducted indicates that skin begins to feel pain at 111 degrees F.  The difference between a scald and touching a hot surface is that a scald normally doesn’t damage more than several layers of skin.  A burn will damage skin cells and tissue.  Scalding is generally dispersed, whereas, a burn is more concentrated.The third proposed addition, which is to include the lead teacher in classroom inspection that has always been required, is commonsense and consistent with a focus on teacher leadership. |

|  |
| --- |
| **Safety – Water hazards and swimming pools** |
| **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-5175Wading pools – Defined – supervision(1) A wading pool: (a) is an enclosed pool with water depth of two feet or less measured without children in the pool; and (b) Can be emptied and moved.(2) When a wading pool on the premises is intended for use by the children, the licensee must: (b) Obtain written permission from each parent or guardian to allow the child to use a wading pool; (e) use a door alarm or bell to warn staff that children are entering the outdoor area when pool water could be accessed, or keep the wading pool empty when not in use; (f) empty the pool daily; and (g) Clean and disinfect the pool as provide in WAC 170-296A-0010 daily or immediately if the pool is soiled with urine, feces, vomit, or blood.WAC 170-296A-5200Swimming pools defined – Barriers and supervision(1) A swimming pool is a pool that has a water depth greater than two feet.(2) When there is a swimming pool on the premises the licensee must provide: (a) A door alarm or bell on each door opening to the pool area to warn staff when the door is opened; (b) A five-foot high fence that blocks access to the swimming pool. When the fence has slats the openings between slats must not be wider than three and one-half inches wide; (c) Gates with a self-latching device at entrance and exit points to the swimming pool and lock each gate; and (d) An unlocking device that is inaccessible to children but readily available to the licensee or staff.(3) The licensee must maintain the swimming pool according to manufacturer’s specifications, including cleaning and sanitizing. (4) When the swimming pool on the premises is used by the children: (a) The licensee must obtain written permission from the parent or guardian of each child using the swimming pool; (e) Children in diapers or toile training must wear swim pants to lower the risk of contaminating the water.WAC 170-296A-5225Bodies of water or water hazard on the licensed premises.(1) (a) As used in WAC 170-296A- 5150 through 170-296A-5250 a “body of water” is a natural area or man-made area or device that contains or holds more than two inches of water; (b) “Body of water” does not include a wading pool as defined in WAC 170-296A-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.(2) When children are in care the licensee must: (a) Make any body of water in the licensed space inaccessible with a physical barrier (not to include a hedge or vegetation barrier) or fence that is at least five feet tall, except as provided in subsection (c) of this section. When a fence has slats or open grids, openings must not be wider than three and one-half inches. (c) Make hot tubs spas, or jet tubs inaccessible with a tub cover that is locked; and (d) Not use five gallon buckets or similar containers for infant or toddler water play. WAC 170-296A-5250Bodies of water outside and near licensed space.(1) The licensee must make the following bodies of water inaccessible to children in care, and have a written safety plan approved by the department for: (a) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools or similar bodies of water located outside and near (in close proximity to) the licensed space, regardless of whether the body of water is on or off the premises; or (b) Any uncovered well, septic tank, below grad storage tank; farm manure pond or similar hazards that are on the premises.(2) Unless attending a swimming or water play activity, when outside the licensed premises the licensee or staff must keep children from having access to bodies of water that pose a drowning hazard; | WAC 170-295-5050How can I make sure water activities are as safe and sanitary as possible?(1) To ensure that the children are safe with a swimming pool on the premises, you must: (a) Ensure that pools are inaccessible to children when not in use; (c) Follow any guidelines established by our local health jurisdiction or the state department of health;(2) You must prohibit children from using or having access to a hot tub spa, small portable wading pools, whirlpool, or other similar equipment.(3) If you have a water table you must empty and sanitize water tables or similar water play containers after each use and more often if necessary.  | **170-300-0175****Water hazards and swimming pools.**To prevent injury or drowning and ensure the health and safety of children, an early learning provider must comply with the requirements described in this section. 1. The following bodies of water must be inaccessible to children in care by using a physical barrier with a locking mechanism:
	* + - 1. Swimming pools when not being used as part of the early learning program, hot tubs, spas and jet tubs;
				2. Ponds, lakes, storm retention ponds,  ditches, fountains, fish ponds, landscape pools or similar bodies of water; and
				3. Uncovered wells, septic tanks, below grade storage tanks, farm manure ponds or other similar hazards. Weight #8
2. An early learning provider must comply with the following requirements when using a swimming pool as part of the early learning program:

(a) Comply with the supervision requirements of WAC 170-300-0350;(b) Audible alarms must be on all doors, screens, and gates in licensed areas that lead to a swimming pool. The alarm must be sufficient to warn staff when children enter the outdoor area and could access the swimming pool;(c) Swimming pools must be maintained according to manufacturer specifications;(d) Swimming pools must be cleaned and sanitized according to manufacturer instructions and DOH or local health jurisdiction guidelines;  (e) A swimming pool must not be used if the main drain is missing; and(f) Children in diapers or toilet training must wear swim pants to lower the risk of contaminating the water. Weight #81. Unfiltered wading pools must be inaccessible to enrolled children. “Wading pool” means a pool that has a water depth of less than two feet (24 inches).  A portable wading pool is one that is formed of molded plastic or inflatable parts, and can be removed after use. Weight #7
2. For bodies of water not located in early learning program space, but that are in close proximity, a physical barrier on the property must make such bodies of water inaccessible to children in care. Weight #8
3. Five gallon buckets or other similar containers must not be used for infant or toddler water play. Weight #8
4. Water tables or other similar containers must be emptied and sanitized after each activity session, or more often if necessary. Weight #6
5. “Locking mechanism” means a lock that requires a key, tumbler, dial, passcode, touchpad, or similar device or method to lock and unlock. Weight NA
6. “Physical barrier” means:

(a) A non-climbable fence or wall that is at least five feet tall and has no openings greater than two inches(b) A gate or door that allows entry to and exit from the body of water must meet the following requirements:1. Contain a locking mechanism;
2. Be at least five feet tall;
3. Have no openings greater than two inches;
4. Have a self-closing or self-latching device;
5. A device used to open the locks must be inaccessible to children but readily available to staff; and Weight NA
6. “Swimming pool” means a pool that has a water depth greater than two feet. Weight NA
 |  |  |
| **Justification:**Proposed regulation 170-300-0175, Water hazards and swimming pools includes two new provisions, one is a specification that wading pools must be inaccessible to children and the second clarifies that swimming pools must have the main drain intact. The first of these issues is addressed in *Caring for Our Children, 3rd Edition* at STANDARD 6.1.0.6: Location of Play Areas Near Bodies of Water. This standards notes that “outside play areas should be free from the following bodies of water: a) Unfenced swimming and wading pools.” Standard 6.3.1.1: Enclosure of Bodies of Water elaborates further, “All water hazards, such as pools, swimming pools, stationary wading pools, ditches, fish ponds, and water retention or detention basins should be enclosed with a fence that is four to six feet high or higher and comes within three and one-half inches of the ground.” *Caring for Our Children, 3rd Edition* also notes, in STANDARD 6.3.5.3: Portable Wading Pools, that “Portable wading pools should not be permitted.” The rationale provided is that “Small portable wading pools do not permit adequate control of sanitation and safety, and they promote transmission of infectious diseases.” *Caring for Our Children, 3rd Edition* addresses drains at STANDARD 6.3.1.6: Pool Drain Covers, stating that “All covers for the main drain and other suction ports of swimming and wading pools should be listed by a nationally recognized testing laboratory in accordance with ASME/ANSI standard “A112.19.8: Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas and Hot Tubs,” and should be used under conditions that do not exceed the approved maximum flow rate, be securely anchored using manufacturer-supplied parts installed per manufacturer’s specifications, be in good repair, and be replaced at intervals specified by manufacturer. Facilities with one outlet per pump, or multiple outlets per pump with less than thirty-six inches center-to-center distance for two outlets, must be equipped with a Safety Vacuum Release System (SVRS) meeting the ASME/ANSI standard “A112.19.17: Manufactured Safety Vacuum Release Systems for Residential and Commercial Swimming Pool, Spas, Hot Tub and Wading Pool Suction Systems” or ASTM International (ASTM) standard “F2387-04: Standard Specification for Manufactured SVRS for Swimming Pools, Spas, and Hot Tubs” standards, as required by the Virginia Graeme Baker Pool and Spa Safety Act, Section 1404(c)(1)(A)(I) (1,2). RATIONALE: In some instances, children have drowned as a result of their body or hair being entrapped or seriously injured by sitting on drain grates (3). Drain covers mitigate the five types of entrapment: hair, body, limb, evisceration, and mechanical jewelry). Use of flat- or flush-mount covers/ grates is prohibited. Use of drain covers under conditions that exceed the maximum flow rate can pose a hazard for entrapment. When drain covers are broken or missing, the body can be entrapped. When a child is playing with an open drain (one with the cover missing), a child can be entrapped by inserting a hand or foot into the pipe and being trapped by the resulting suction. Hair entrapment typically involves females with long, fine hair who are underwater with the head near the suction inlet; they become entrapped when their hair sweeps into and around the cover, and not because of the strong suction forces. Use of a SVRS will not mitigate hair, limb, and mechanical entrapment.”Washington additionally notes that swimming pool use is prohibited if the main drain is not working, based on the federal law, passed in 2007, known as the Virginia Graeme Baker Pool and Spa Safety Act, https://www.poolsafely.gov/wp-content/uploads/2016/04/pssa.pdf which focused on this issue due to a child death as a result of a faulty mechanism.  |

|  |
| --- |
| **Food and Nutrition – Meal and snack schedule** |
| **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-7625Meal and snack schedule.(1) The licensee must offer meals and snacks to the children in care at intervals of at least two hours apart and no more than three hours unless the child is asleep.(2) The licensee must offer a snack to children arriving from school. | WAC 170-295-3150How many meals and snacks must I serve?(1) The number of meals or snacks you must serve is based on the number of hours you are open.

|  |  |
| --- | --- |
| If you are open: | You must serve at least: |
| (a) Nine hours or less | (i) Two snacks and one meal; or(ii) One snack and two meals. |
| (b) Over nine hours | (i) Two snacks and two meals; or(ii) Three snacks and one meal. |

(2) You must also offer:(a) Food at intervals not less than two hours and not more than three and one-half hours apart;(b) Breakfast or snack to children in morning care whether or not the child ate before arriving at the center;(c) Breakfast to the child in nighttime care if the child remains at the center after the child's usual breakfast time;(d) A snack or meal for children arriving after school;(e) Dinner to children in nighttime care if the children are at the center after their usual dinnertime or have not had dinner; and(f) An evening snack to children in nighttime care. | **170-300-0180****Meal and snack schedule.**An early learning provider must serve meals and snacks to children in care as follows:1. Children in care for nine hours or less:
	1. At least one meal and two snacks; or
	2. Two meals and one snack.
2. Children in care for more than nine hours:
	1. Two meals and two snacks; or
	2. Three snacks and one meal.
3. After school snack, dinner, evening snack, and breakfast:

(i) A snack or meal must be provided to a child that arrives to the early learning program after school; (ii) Dinner must be provided to children in nighttime care if a child is at an early learning program after his or her dinnertime, or has not had dinner; * 1. An evening snack must be provided to children in nighttime care;
	2. Breakfast must be provided to children in nighttime care if a child remains in care after the child’s usual breakfast time; and
	3. A breakfast or morning snack must be available to children in care.

Weight #5 1. Meals and snacks must be served not less than two hours and not more than three hours apart. Weight #5
2. An early learning provider must offer daily opportunities after a meal or snack for developmentally appropriate tooth brushing activities that are safe, sanitary, educational and with parental permission. Toothbrushes must be stored in a manner that prevents cross contamination. Weight #1
 |  |  |
| **Justification:**The proposed regulation, 170-300-0180 Meal and snack schedule, is proposed to have four revisions including specifying that 1) dinner must be served if a child is at a program after dinner and has not eaten; 2) breakfast must be served for children who are in night-time care and still at the program during breakfast; 3) snacks/meals must be served at least every 3.5 hours; and 4) oral hygiene and education must be offered after meals and snacks.The first two items, which provide for dinner service if a child is in care at or after dinnertime, and breakfast service for children in overnight care who are still there at that time, are consistent with the focus in *Caring for Our Children, 3rd Edition* on the provision of food multiple times during an eight hour period, other than while sleeping, as discussed in Standard 4.2.0.5, Meal and Snack Patterns. Children who are participating in overnight or extended hours care must have their food and nutrition needs met, and these proposed regulations help assure that this is done.The third item is addressed in *Caring for Our Children, 3rd Edition*, Standard 4.2.0.5: Meal and Snack Patterns, and this proposal improves on Caring for our Children. Caring for Our Children sets the interval for providing children with food as follows: “Children should be offered food at intervals at least two hours apart and not more than three hours apart unless the child is asleep.” The fourth item is addressed in *Caring for Our Children, 3rd Edition*, STANDARD 9.2.3.14: Oral Health Policy, which indicates that “The program should have an oral health policy that includes the following:….d) Implementation of daily tooth brushing or rinsing the mouth with water after eating; and i) Age-appropriate oral health educational activities.” The rationale indicates that “Good oral hygiene is as important for a six month- old child with one tooth as it is for a six-year-old with many teeth. Tooth brushing and activities at home may not suffice to develop the skill of proper tooth brushing or accomplish the necessary plaque removal, especially when children eat most of their meals and snacks during a full day in child care.”According to the American Academy of Pediatrics (AAP), the top dental problem among preschoolers is tooth decay. The AAP claims decay in baby teeth can negatively affect permanent teeth and lead to future dental problems. The American Dental Association suggests that an oral hygiene routine (i.e. regular tooth brushing) can help prevent babies from getting cavities or tooth decay. The cost to comply with proposed WAC 170-300-0180(3) cannot be reduced because toothbrushes and toothpaste are typically available from market retailers. Under the proposed rule, an early learning licensee is only required to offer daily opportunities for children to brush teeth. Licensees may also choose to purchase toothbrushes and toothpaste for children to use during these opportunities. The Department of Early Learning believes imposing this new rule is necessary to ensure the health and safety of children by fostering the opportunity for children to routinely brush their tooth to prevent cavities and tooth decay.Proposed WAC 170-300-0180 is a no cost or low cost requirement for center and family home early learning programs to provider children with opportunities to brush their teeth after snacks or meals. Requiring licensees to provide this opportunity, even if supplying toothbrushes and toothpaste, is not expected to exceed the minor cost threshold for businesses in the industry.  |