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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.  Program administration and oversight includes two sections, one focusing on Licensing Processes, which sets forth the basic regulations about the process for becoming a licensed provider. The second section explains the regulations around maintaining and posting of these required policies, reports and records. | | | | | | |
| **Licensing Process – Application materials** | | | | | | |
| **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-1250Initial license application packet—Contents. (1) The individual seeking an initial license under this chapter is the license applicant.  (2) A license applicant must submit a license application packet that includes:  (a) A completed department application form and copy of the applicant's orientation certificate;  (b) Copy of license applicant's current government issued photo identification;  (c) Documentation of the license applicant's high school diploma or equivalent education under WAC [170-296A-1725](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1725);  (d) Resume for the license applicant;  (e) References from three individuals not related to the license applicant;  (f)(i) Copy of license applicant's Social Security card pursuant to 42 U.S.C. 666 (a)(13) and RCW [26.23.150](http://app.leg.wa.gov/RCW/default.aspx?cite=26.23.150) regarding child support.  (ii) If the license applicant does not have a Social Security card, the applicant must provide a sworn declaration stating that he or she does not have a Social Security card.  (g) Copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff;  (h) Tuberculosis test results or required documentation for the license applicant, each staff person, and household members sixteen years old or older. See WAC [170-296A-1750](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1750);  (i) Copy of first-aid/CPR training and HIV/AIDS training certificates for the license applicant and each staff person required to complete such training as described in WAC [170-296A-1825](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1825) and [170-296A-1850](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1850);  (j) Copy of the license applicant's state food handler permit as described in WAC [170-296A-7675](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-7675);  (k) Completed background clearance forms for the license applicant and each staff person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;  (l) A completed noncriminal background check application form for each assistant and volunteer fourteen to sixteen years of age, and each individual age thirteen to sixteen residing in the home;  (m) Parent, staff and operation policies (handbooks). See WAC [170-296A-2350](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-2350), [170-296A-2375](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-2375), [170-296A-2400](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-2400), and [170-296A-2425](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-2425);  (n) Floor plan, including proposed:  (i) Licensed space;  (ii) Licensed space usage;  (iii) Evacuation routes and emergency exits;  (iv) Unlicensed space;  (v) Licensed space used specifically for sleeping infants, if applicable; and  (vi) Licensed space used for sleeping children for overnight care, if applicable.  (o) Septic system inspection report if applicable under WAC [170-296A-1375](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1375);  (p) Well water testing report if applicable under WAC [170-296A-1400](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1400);  (q) Lead or arsenic evaluation agreement, only if the home is located in the Tacoma smelter plume under WAC [170-296A-1360](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1360); and  (r) The license fees and other fees under WAC [170-296A-1325](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1325).  (3) If there will be more than one individual whose name will appear on the license, each individual license applicant must provide information required in subsection (2)(b) through (f) and (2)(h) through (k) of this section.  WAC 170-296A-1275  Initial license application processing.  (1) The department may take up to ninety days to process an initial license application. The ninety days begins when the license applicant's signed and dated license application packet, fees and background check forms have been received by the department.  (2) If an incomplete application packet is submitted, the department will inform the license applicant of the deficiencies and provide a time frame for the applicant to provide the required information. If an application remains incomplete after ninety days the department may deny the license. | WAC 170-295-0001  What gives the authority to the department to license child care and charge licensing fees?  (1) The rules for child care centers are governed under chapter [43.215](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215) RCW.  (2) The rules establishing licensing fees are adopted under authority of RCW [43.215.255](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215.255)  170-295-0060  What are the requirements for applying for a license to operate a child care center?  (1) To apply or reapply for a license to operate a child care center you must:  (a) Be twenty-one years of age or older;  (b) The applicant, director and program supervisor must attend the orientation programs that we provide, arrange or approve;  (c) Submit to us a completed and signed application for a child care center license or certification using our forms (with required attachments).  (2) The application package must include the following attachments:  (a) The annual licensing fee. The fee is based on your licensed capacity, and is:  (i) For new licenses issued before July 1, 2011, or for licensees whose annual license fees are due before July 1, 2011, one hundred dollars per year for the first twelve children plus eight dollars for each additional child over the licensed capacity of twelve children; or  (ii) For new licenses issued after June 30, 2011, or for licensees whose annual license fees are due after June 30, 2011, one hundred twenty-five dollars per year for the first twelve children, plus twelve dollars for each additional child over the licensed capacity of twelve children;  (b) If the center is solely owned by you, a copy of your:  (i) Photo identification issued by a government entity; and  (ii) Social Security card that is valid for employment or verification of your employer identification number;  (c) If the center is owned by a corporation, verification of the corporation's employer identification number;  (d) An employment and education resume for:  (i) The person responsible for the active management of the center; and  (ii) The program supervisor;  (e) Diploma or education transcript copies of the program supervisor;  (f) Three professional references each, for yourself, the director, and the program supervisor;  (g) Articles of incorporation if you choose to be incorporated;  (h) List of staff (form is provided in the application);  (i) Written parent communication (child care handbook);  (j) Copy of transportation insurance policy (liability and medical);  (k) In-service training program (for facilities employing more than five persons);  (l) A floor plan of the facility drawn to scale;  (m) A copy of your health care plan reviewed and signed by an advisory physician, physician's assistant, or registered nurse;  (n) A copy of your policies and procedures that you give to parents; and  (o) A copy of your occupancy permit.  (3) You must submit to the department a completed background check form for all persons required to be authorized by DEL to care for or have unsupervised access to the children in care under chapter [170-06](http://apps.leg.wa.gov/wac/default.aspx?cite=170-06) WAC; and  (4) You must submit your application and reapplication ninety or more calendar days before the date:  (a) You expect to open your new center;  (b) Your current license is scheduled to expire;  (c) You expect to relocate your center;  (d) You expect to change licensee; or  (e) You expect a change in your license category. | **Adopted Permanent Rule**  **170-300-0400**  **Application materials.**  After completing a department orientation, an applicant must submit a complete license application packet, pursuant to chapter 43.215 RCW. This requirement also applies to a change of ownership. A complete license application packet includes:   1. Professional and background information about the applicant: 2. A completed department application form for the type of license being applied for (center or family home); 3. A copy of the applicant’s orientation certificate (orientation must be taken within 12 months of license application); 4. A Washington state business license or a tribal, county, or city business or occupation license, if applicable; 5. Liability insurance, if applicable; 6. Certificate of Incorporation, partnership agreement, or similar business organization document, if applicable; 7. The license fee; 8. A copy of current government issued photo identification; 9. A copy of Social Security card or sworn declaration stating that the applicant does not have one; 10. Employer Identification Number (EIN) if applicant plans to hire staff; and 11. Employment and education verification. For example, diploma, transcripts, or a sworn declaration stating that the applicant cannot verify education requirements. Weight #1 12. Information about the facility to be licensed: 13. A floor plan, including use of proposed licensed and unlicensed space, with identified emergency exits and emergency exit pathways; 14. Certificate of Occupancy, if applicable; 15. An on-site septic system inspection report within six months of license application, if applicable; 16. Well water coliform and nitrate testing results within six months of license application, if applicable; 17. A lead or arsenic evaluation agreement, only for sites located in the Tacoma smelter plume (counties of King, Pierce, and Thurston); and 18. Lead and copper test results for drinking water. Weight #1 19. Program days and hours of operation, including closure dates and holiday observances; Weight #1 20. Information about early learning program staff: 21. List of applicant, staff persons, volunteers and household members, if applicable, required to complete the background check process as outlined in chapter 170-06 WAC; 22. Resume for applicant, Center Director, Assistant Director, Program Supervisor, and Family Home Lead Teacher, if applicable; and 23. Three letters of professional reference for Applicant, Director, Assistant Director, Program Supervisor, and Family Home Lead Teacher. Weight #1   An applicant must include the following policy documents with the application, which will be reviewed by the department and returned to the applicant:   1. Parent and program policies; 2. Staff policies; 3. An emergency preparedness plan; 4. Health policies; and 5. A plan to prevent exposure to blood and body fluids. Weight #1   An applicant must submit the completed application packet at least 90 calendar days prior to the planned opening of the early learning program. The department will inspect the early learning program space and approve all application submissions required in this chapter prior to issuing a license.   1. The 90 calendar days begins when the department receives a complete application packet. 2. Incomplete application packets will be returned to the applicant for completion. 3. An applicant who is unable to successfully complete the application and licensing process within 90 calendar days may withdraw the application and reapply when the applicant is able to meet the licensing requirements. 4. An applicant who is unable to meet the application requirements and has not withdrawn his or her application will be denied a license, pursuant to RCW 43.215.300. Weight #1 |  |  | |
| **Justification:**  Common sense revisions regarding applications for a license are included in the proposed revision, specifically, submission of the complete license application and that incomplete application is returned to the applicant for completion. This approach assures that potential licensees have a firm understanding of the expectations and requirements prior to becoming a licensee and that a smooth, efficient and orderly process is in place. | | | | |

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| **Licensing Process – Application fees** | | |
| **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** | |
| Fees—When due. License Fees  (1) The annual family home child care license fee is thirty dollars, or as otherwise set by the legislature;  (2) The license fee is nonrefundable and is due:  (a) With the license applicant's initial license application packet; and  (b) Annually thereafter, thirty days prior to the anniversary date of the license.  (3) Payment must be in the form of a check or money order. | WAC 170-295-0090  Initial and nonexpiring full licenses—Licensing fees  (8) Fees are due with applications for initial licenses or continuations of a nonexpiring full license.  (9) The department does not process an application or continuation until the applicant or licensee, as applicable, has paid the required fee.  (10) Applicants or licensees can pay licensing fees for:  (a) A minimum of one year; or  (b) Multiple years.  (11) Applicants and licensees pay their fees by mailing a check or money order for the required amount to the department.  (12) If there is a change in a facility that places the facility in a different fee category, the department prorates the additional fee amount over the remainder of the license period.  (13) If an applicant or licensee withdraws an application before the department denies or issues a license, the fee shall not be refunded. | **170-300-0401**  **Application fees.**  (1) The rules establishing licensing fees within this chapter are adopted pursuant to RCW 43.215.255. Weight NA  (2) The license fee is nonrefundable and is due:   1. With the early learning applicant's initial license application packet; and 2. Annually thereafter, 30 calendar days prior to the anniversary date of the license. Weight #1 3. Payment must be in the form of a check, credit or debit card, or money order. Weight NA 4. The annual fee for family home early learning programs is thirty dollars, or as otherwise set by the legislature. Weight NA 5. The annual fee for center early learning programs is one hundred twenty-five dollars for the first twelve children plus twelve dollars for each additional child, or as otherwise set by the legislature. Weight NA |  |  | |
| **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. In addition, this standard complies with the requirements under RCW 43.215.255. | | | | |

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| **Licensing Process - Changing early learning program space or location** | | | | |
| **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-1475 Moves.  If the licensee moves the child care to a different residence than currently licensed, even if located on the same premises, the department must inspect the new location and must approve that it meets the requirements of this chapter.  (1) The licensee must:  (a) Notify the department of a proposed move and the date the licensee plans to move;  (b) Submit an application before the move, as soon as the licensee plans to move and has an identified address, but not more than ninety days before moving; and  (c) Not operate more than two weeks following the move as provided by statute without a department inspection of the new location.  (2) If the licensee moves and does not notify the department, or submits an application after a move, the license becomes invalid and is closed by the department effective on the date of the move. If the license is closed, the licensee must submit a new application for licensure under WAC [170-296A-1250](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-1250) to reinstate the license.  WAC 170-296A-1300 Withdrawing an incomplete application  (1) If the license applicant is unable to successfully complete the licensing process within ninety days the license applicant may withdraw the application and reapply when the applicant is able to meet licensing requirements.  (2) A license applicant who has not withdrawn his or her incomplete application and is unable to meet the application requirements will be denied a license. See RCW [43.215.300](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215.300).  **WAC 170-296A-1400**  (2) If there are no local health jurisdiction requirements for periodic water testing, the licensee must have the water tested for coliform bacteria and nitrates by the local public health authority or private testing laboratory certified to analyze drinking water samples under chapter [173-50](http://apps.leg.wa.gov/wac/default.aspx?cite=173-50) WAC:  (a) Within six months prior to submitting an initial license application under WAC [170-296A-1250](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1250); |  | **170-300-0402**  **Changing early learning program space or location.**   1. An early learning provider must notify the department prior to making a significant change to early learning program space. Significant changes include, but are not limited to:    1. Moving child care or early learning programs to a different residence, building, or facility, even if it is located on the same premises;    2. A center early learning program altering planned use of space not previously approved by the State Fire Marshal or the department;    3. Making structural changes such as remodeling or renovating classroom space; or    4. Changing outdoor play areas such as adding or significantly altering climbing or play equipment.   Weight #5   1. An early learning provider must submit to the department a proposed floor plan prior to making a significant change, pursuant to subsections (1)(b) and (1)(c) of this section. Weight #5 2. An early learning provider planning a significant change under subsection (1)(a) of this section must:    1. Submit a complete application, pursuant to WAC 170-300-0400, as soon as the provider plans to move and has an identified address, but not more than 90 calendar days before moving;    2. Not significantly change or move a center early learning program until the department has first inspected the new location and determines it meets the requirements in this chapter and RCW 45.215.260; and    3. Not operate a family home early learning program for more than two weeks following the move without first having the department inspect the new location, pursuant to RCW 45.215.260. 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. | | | | |

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| **Licensing Process – Background check fees** | | | | |
| **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-1325  Background check fees.  (4) Effective July 1, 2012:  (a) Each individual required to obtain a department background check must pay the fee established under chapter [170-06](http://apps.leg.wa.gov/wac/default.aspx?cite=170-06) WAC. The fee must be submitted with the individual's completed and signed background check application form.  (b) Each individual applying for a first-time license application or each individual applying for the first time for a department background check clearance must be fingerprinted and pay the processing fee. | WAC 170-295-0001  What gives the authority to the department to license child care and charge licensing fees?  (1) The rules for child care centers are governed under chapter [43.215](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215) RCW.  (2) The rules establishing licensing fees are adopted under authority of RCW [43.215.255](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215.255). | **170-300-0405**  **Background check fees.**   1. Each early learning provider required to obtain a department background check must pay the fee established under chapter 170-06 WAC. Weight #6 |  |  | |
| 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. In addition, this standard is in compliance with the requirements under 170-06 WAC. | | | | |

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| **Licensing Process – License and program location** | | |
| **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-1050The licensee. (1) (d) Responsible for the overall management of the licensed family child care home;  (e) Responsible for complying with the standards in this chapter, chapter [43.215](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215) RCW, chapter [170-06](http://apps.leg.wa.gov/wac/default.aspx?cite=170-06) WAC DEL background check rules, and other applicable laws or rules; and  (f) Responsible for training staff on the licensing standards in this chapter.  (2) The licensee must comply with all requirements in this chapter, unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or environmental health regulations.  WAC 170-296A-1360  Lead and arsenic hazards—Tacoma smelter plume  A license applicant who lives in the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) must contact the state department of ecology (DOE) and complete a signed access agreement with DOE for further evaluation of the applicant's property and possible arsenic and lead soil sampling.  WAC 170-296A-2750  House numbers  The licensee must place house numbers or address where the numbers are legible and plainly visible from the street or road in front of the premises.  WAC 170-296A-2800  Access for emergency vehicles  The licensed family home child care must be accessible to emergency vehicles. WAC 170-296A-4000Lead, asbestos, arsenic, and other hazardsThe licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the indoor or outdoor licensed space:Lead based paints;Plumbing containing lead or lead solders;Asbestos; orArsenic or lead in the soil or drinking water;Toxic mold; orOther identified toxins or hazards. | WAC 170-295-0060  What are the requirements for applying for a license to operate a child care center?  (1) To apply or reapply for a license to operate a child care center you must:  (a) Be twenty-one years of age or older;  170-295-0150  Where can I locate my child care center or facility?  (1) You must locate your child care center:  (a) On an environmentally safe site;  (b) In a neighborhood free of a condition detrimental to the child's welfare; and  (c) In a location accessible to other services to carry out the program.  (2) Your child care must be located in an area that is serviced by emergency fire, medical and police during the hours the children are in care.  (3) The location of your site must be approved by the local planning department, your state fire marshal, and us.  WAC 170-295-5020   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:   (k) Poison (such as cleaning supplies or lead-based paint); | **Adopted Permanent Rule**  **170-300-0410**  **License and program location.**  (1) An applicant for a license under this chapter must be at least 18 years old. Weight #1  (2) A licensee refers to the individual or organization:  (a) Whose name appears on a license issued by the department;  (b) Responsible for complying with the standards in this chapter, chapter 43.215 RCW including but not limited to liability insurance requirements pursuant to 43.215.535, chapter 170-06 WAC (DEL background check rules) and other applicable laws or rules; and  (c) Responsible for training early learning program staff on the Foundational Quality Standards in this chapter. Weight NA  (3) An early learning provider must comply with and implement all requirements in this chapter unless another code or ordinance is more restrictive (for example: a local municipal, building, or health authority code). Weight #5  (4) Early learning program space must be located:  (a) On a site free from environmental hazards;  (b) In an area where non-emergency services and utilities can serve the early learning program space; and  (c) In an area served by emergency fire, medical, and police during the hours the early learning provider provides care to children. Weight #7  (5) An early learning provider must prevent child exposure to the following within and around the licensed premises:   1. Lead based paint; 2. Plumbing and fixtures containing lead or lead solders; 3. Asbestos; 4. Arsenic, lead, or copper in the soil or drinking water; 5. Toxic mold; and 6. Other identified toxins or hazards. Weight #8   (6) An early learning provider must place address numbers on the outside of the house or building containing the early learning program space, and the numbers must be legible and plainly visible from the street or road serving the premises. Weight #5  (7) A license applicant planning to open an early learning program in the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) must contact the state department of ecology (DOE) and complete and sign an access agreement with DOE to evaluate the applicant's property for possible arsenic and lead soil contamination. Weight #6 |  |  | |
| **Justification:**  With this proposed revision, the program must be free of environmental hazards and have access to non-emergency services. Environmental hazards, and the need to remediate or avoid them, are noted in *Caring for Our Children, 3rd edition*, at STANDARD 5.1.1.5: Environmental Audit of Site Location, which indicates that “An environmental audit should be conducted before construction of a new building; renovation or occupation of an older building; or after a natural disaster, to properly evaluate and, where necessary, remediate or avoid sites where children’s health could be compromised.” This is necessary to protect child health. *Caring for Our Children, 3rd Edition*, notes the importance of telephone access at Section 5.3.1.12, applicable for both general and emergency use. Other non-emergency services, such as basic utility service, are needed as part of the basic need to protect a child’s health and safety at the facility. | | | | |

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| **Licensing Process – Zoning, codes and ordinances** | | | | |
| **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-1050 (2)The licensee must comply with all requirements in this chapter, unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or environmental health regulations. 170-296A-2525  Building codes.  A single-family residence used for licensed family home child care is considered a group R (residential), division 3 occupancy structure by the state building code adoption of the international residential code. WAC 170-296A-2550Requesting local fire department visit (1) The licensee must request the local fire department to visit the home to become familiar with the facility and to assist in planning evacuation or emergency procedures.  (2) If the local fire department does not provide this service, the licensee must have written documentation on file that the request was made. | WAC 170-295-0040  Do I have to follow any other regulations or have any other inspections?  (1) Prior to becoming licensed by us to operate a child care center, you must:  (a) Have a certificate of occupancy issued by your local building department; and  (b) Be inspected by the state fire marshal.  (2) In addition to the requirements of this chapter, you are also responsible for complying with any local building ordinances. Local officials are responsible for enforcing city ordinances and county codes, such as zoning and building regulations. You must contact your local building jurisdiction to determine if local ordinances are different than our standards. If you encounter conflicts or differing interpretations, contact us immediately.  (3) We must notify the local planning office of your intention to operate a child care center within the local jurisdiction.  (4) Other state agencies such as labor and industries, the Fire Marshal and the department of health have regulations that apply to child care centers. You are responsible to contact those agencies to obtain their regulations. The other agencies are responsible to monitor and enforce their regulations. | **170-300-0415**  **Zoning, codes, and ordinances.**   1. Prior to licensing an applicant must contact state, city, and local agencies that may regulate the early learning program. An early learning provider must obtain regulations and comply with direction given by such agencies. These agencies may include but are not limited to Labor and Industries, the State Fire Marshal, a local health jurisdiction, or DOH. Weight #1      1. An applicant must contact the local building, planning, or zoning department that would regulate a future early learning facility. Weight #1      1. A single family residence used by a family home early learning program is considered a group R (residential) occupancy structure, as adopted by the State Building Code Council and the International Residential Code (chapter 51-51 WAC). Weight NA    * + - 1. Prior to licensing, a family home early learning license applicant must request the local fire department to visit the early learning program space to become familiar with the environment and to assist in planning evacuation or emergency procedures. Weight #1          2. If the local fire department does not provide this service, the applicant must have written documentation on file that this request was made. Weight #1   (4) A building used by a center early learning program is considered a group E or an I-4 occupancy, as adopted by the State Building Code Council. Center early learning program buildings must meet the requirements in the Inter­national Building Code (chapter 51-50 WAC) and International Fire Code (chapter 51-54A). Weight NA  (5) Prior to licensing, a center early learning applicant must:   1. Have a certificate of occupancy issued by the local building, planning, or zoning department, or a local equivalent if locality does not have the certificate of occupancy; and 2. Be inspected and approved by the State Fire Marshal if a center early learning program. Weight #1 |  |  | |
| **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. | | | | |

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| **Licensing Process – Prohibited substances** | | | | |
| **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-4025 Drugs and alcohol   1. The licensee, staff, volunteers, or household member must not, or allow other to:   (a) Have or use illegal drugs on premises; (b) Consume alcohol during operating hours; or (c) Be under the influence of alcohol, illegal drugs or misused prescription drugs when working with or in the presence of children in care.   1. The licensee must keep and store all alcohol, including closed and open containers, inaccessible to children.   WAC 170-296A-4050  No smoking  (1) As required by chapter 70.160 RCW, the licensee must, under the following conditions, prohibit smoking by anyone during operating hours:  (a) Inside the home;  (b) In any outdoor or indoor licensed space;  (c) Within twenty-five feet from any entrance, exit, window, or ventilation intake of the home; or  (d) In motor vehicles while transporting children.  (2) The licensee must keep tobacco products, cigarettes and containers holding cigarette butts, cigar butts, or ashes inaccessible to the children. | WAC 170-295-6050:  What substances are prohibited in the child care center or on the premises?  (1) You, your staff, parents, and volunteers must not be under the influence of, consume, or possess an alcoholic beverage or illegal drug while on the child care premises or during work hours while you are responsible for children in care.  (2) You, your staff, parents, and volunteers must not smoke:  (a) Inside the center building;  (b) While supervising children outdoors; or  (c) In a motor vehicle while transporting children.  (3) You, your staff, parents, and volunteers may smoke outdoors, off the premises and out of view of the children. | **170-300-0420**  **Prohibited substances.**   1. An early learning provider must prohibit the use of tobacco, cannabis, and vapor products, pursuant to RCW 70.160. Smoking is prohibited: 2. In any indoor or outdoor licensed space; 3. Within 25 feet of any entrance, exit, window, or ventilation intake of the early learning program and in view of children; 4. In motor vehicles used to transport children during business hours; 5. While the provider is off site but responsible for supervising children, such as during field trips; and 6. In family home early learning programs, smoking is prohibited during operating hours. Weight #8   (2) An early learning provider must:  (a) Keep and store tobacco or vapor products, cigarettes or cigars and containers holding cigarettes or cigars, cigarette or cigar butts, or ashes inaccessible to children;  (b) Not allow anyone on the premises, including all staff, volunteers and, when applicable, household members to consume or be under the influence of alcoholic beverages, cannabis, illegal drugs, or misused prescription drugs while children are in care;  (c) Keep cannabis and associated paraphernalia out of the licensed child care space; and  (d) Keep and store alcohol, including open and closed containers, inaccessible to children. Weight #8 |  |  | |
| **Justification:**  The proposed WAC expands the list of substances that are prohibited from use to include cannabis and cannabis derivatives, and vapor products. Tobacco is already prohibited from use, and the rationale for this prohibition, as found in *Caring for Our Children, 3rd Edition,* provides the rationale for including cannabis, cannabis derivatives and vapor products. STANDARD 9.2.3.15: Policies Prohibiting Smoking, Tobacco, Alcohol, Illegal Drugs, and Toxic Substances, stating “Policies should include that all of these substances are prohibited inside the facility, on facility grounds, and in any vehicles that transport children at all times. Policies should specify that smoking is prohibited at all times and in all areas used by the children in the program. Smoking is also prohibited in any vehicles that transport children. Policies must also specify that use and possession of all substances referred to above is prohibited during all times when caregivers/teachers are responsible for the supervision of children, including times when children are transported, when playing in outdoor play areas not attached to the facility, and during field trips.” Further, the age, defenselessness, and lack of discretion of the child under care make this prohibition an absolute requirement. The hazards of second-hand and third-hand smoke exposure warrant the prohibition of smoking in proximity of child care areas at any time. Third-hand smoke refers to gases and particles clinging to smokers’ hair and clothing, cushions, carpeting and outdoor equipment after visible tobacco smoke has dissipated. The residue includes heavy metals, carcinogens, and even radioactive materials that young children can get on their hands and ingest, especially if they’re crawling or playing on the floor. Residual toxins from smoking at times when the children are not using the space can trigger asthma and allergies when the children do use the space.” In keeping with *Caring for Our Children, 3rd Edition*, the WAC also proposes prohibited use of these items whenever children are being supervised, including off-site. | | | | |

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| **Licensing Process – Initial, non-expiring, and dual licenses and license modification** | | | | | | |
| **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-1430  Initial license.  An applicant who demonstrates compliance with health and safety requirements of this chapter, but may not be in full compliance with all requirements, may be issued an initial license.  (1) An initial license is valid for six months from the date issued.  (2) At the department's discretion, an initial license may be extended for up to three additional six-month periods not to exceed a total of two years.  (3) The department may limit the number of children or ages of children that the licensee may care for (capacity) under an initial license based on the licensee's child care experience.  (4) The department must evaluate the licensee's ability to follow all of the rules contained in this chapter during the initial license period.  (5) The department may issue a nonexpiring full license to a licensee operating under an initial license who:  (a) Demonstrates full compliance with the health and safety requirements of this chapter at any time during the period of initial licensure;  (b) Demonstrates substantial compliance with other requirements of this chapter at any time; and  (c) Meets the requirements for a nonexpiring full license as provided in WAC [170-296A-1450](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1450)(1).  (6) The department must deny a nonexpiring full license to a licensee operating under an initial license who does not demonstrate the ability to comply with all the rules contained in this chapter during the period of initial licensure.  WAC 170-296A-1450  Nonexpiring full license  (1) To qualify for a nonexpiring full license, a licensee must submit the following to the department on an annual basis, at least thirty calendar days prior to the anniversary date of the license. The anniversary date is the date the licensee's first initial license is issued:  (a) The annual nonrefundable license fee as provided in WAC [170-296A-1325](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1325)(1);  (b) A declaration to the department on a department-approved form indicating:  (i) The licensee's intent to continue operating a licensed family home child care; or  (ii) The licensee's intent to cease operation on a date certain.  (c) A declaration on a department-approved form that the licensee is in compliance with all department licensing rules; and  (d) Documentation of completed background check applications as determined by the department established schedule as provided in RCW [43.215.215](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215.215) (2)(f). For each individual required to have a background check clearance, the licensee must verify a current background check clearance or submit a background check application at least thirty days prior to the license anniversary date.  (2) The requirements of subsection  (1) of this section must be met:  (a) Before a licensee operating under an initial license is issued a nonexpiring full license; and  (b) Every twelve months after issuance of a nonexpiring full license.  (3) If the licensee fails to meet the requirements in subsection (1) of this section for continuation of a nonexpiring full license, the license expires and the licensee must submit a new application for licensure.  (4) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practice.  (5) A licensee has no right to an adjudicated proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring full license as a result of the licensee's failure to comply with the requirements of this section.  WAC 170-296A-1600  Multiple licenses, certifications or authorizations  (1) The licensee must have department approval to have a department-issued child care license and another care giving license, certification or similar authorization.  (2) If the department determines that the health and safety needs of the children in licensed child care are not being met:  (a) The department and licensee may agree to a modification to the child care license;  (b) The licensee may give up one of the licenses, certifications or authorizations; or  (c) The department may suspend, deny or revoke the child care license.  WAC 170-296A-1525  Change in circumstances  (1) The licensee must report the following changes in the licensee's circumstances to the department within twenty-four hours, including:  (a) Household members, including individuals age sixteen or older moving into or out of the home;  (b) Fire or other structural damage to the licensed child care space or other parts of the premises; or  (c) Prior to making structural changes to the licensed space or changing licensed space usage. An updated floor plan must be submitted and approved by the department.  (2) Within twenty-four hours after a licensee becomes aware of a charge or conviction involving (a) the licensee; (b) a staff person; or (c) a household member, and the charge or conviction is a disqualifying crime under WAC [170-06-0120](http://apps.leg.wa.gov/wac/default.aspx?cite=170-06-0120), the licensee must report to the department the fact that there is a charge or conviction involving a disqualifying crime against the licensee, staff person, or a household member.  (3) Within twenty-four hours after a licensee becomes aware of an allegation or finding made against (a) the licensee; (b) a staff person; or (c) a household member involving the abuse or neglect of a child or vulnerable adult, the licensee must report to the department the fact that there is an allegation of abuse or neglect of a child or vulnerable adult made against the licensee, staff person or household member. | WAC 170-295-0090  Initial and nonexpiring full licenses—Licensing fees.  The department may issue an initial license to centers that have not yet begun providing care, but are accepting applications for potential clients.  (1) The department may issue an initial license when an applicant can show that he or she is following the rules regarding the child's health and safety.  (2) The department may issue an initial license if an applicant has not yet opened for business, and so is not yet able to show that he or she is complying with the rules pertaining to:  (a) Staff to child interactions;  (b) Group size and staff to child ratios;  (c) Behavior management and discipline;  (d) Activity programs;  (e) Child records and information; and  (f) Other rules that require us to observe the facility's ability to comply with rules.  (3) Applicants must provide the department with a plan to comply with the rules listed in subsection (2)(a) through (f) of this section. The department must approve of that plan.  (4) The department may issue an initial license to an applicant for a period not to exceed six months, renewable for a period not to exceed two years.  (5) When a licensee has an initial license the department evaluates the licensee's ability to comply with all rules contained in this chapter prior to issuing a nonexpiring full license under WAC [170-295-0095](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-0095).  (6) The department may issue a nonexpiring full license to a licensee operating under an initial license who:  (a) Demonstrates full compliance with the health and safety requirements of this chapter at any time during the period of initial licensure;  (b) Demonstrates substantial compliance with the other requirements of this chapter at any time during the period of initial licensure; and  (c) Meets the requirements for a nonexpiring full license as provided in WAC [170-295-0095](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-0095).  (7) The department must deny a nonexpiring full license to a licensee operating under an initial license who does not demonstrate the ability to comply with all rules contained in this chapter during the period of initial licensure.  170-295-0095  Nonexpiring full license  (1) To qualify for a nonexpiring full license, a licensee must submit the following to the department on an annual basis thirty days prior to the anniversary date of the license. The anniversary date is the date the licensee's first initial license was issued:  (a) An annual nonrefundable licensing fee;  (b) A declaration to the department on a department-approved form indicating:  (i) The intent to continue operating a licensed child care program; or  (ii) The intent to cease operation on a date certain;  (c) A declaration on a department-approved form of compliance with all licensing rules; and  (d) Documentation of completed background check applications as determined by the department-established schedule. As provided in RCW [43.215.215](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215.215) (2)(f), as amended by chapter 295 (2SHB 1903), Laws of 2011, the schedule for submission of a background check application shall be once every three years. For each individual required to have a background check clearance, the licensee must verify current background checks or submit a background check application at least thirty days prior to the anniversary date.  (2) The requirements in subsection (1) of this section must be met:  (a) Before a licensee operating under an initial license is issued a nonexpiring full license; and  (b) Every twelve months after issuance of a nonexpiring full license.  (3) If a licensee fails to meet the requirements in subsection (1) of this section for continuation of a nonexpiring full license, the license expires and the licensee must submit a new application for licensure.  (4) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practice.  (5) A licensee has no right to an adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a full nonexpiring license as a result of the licensee's failure to comply with the requirements of this section.  WAC 170-295-0055  Can I get a dual license?  We may either:  (1) Issue a child care center license to you having a license involving full-time care; or  (2) Permit simultaneous care for the child and adolescent or adult on the same premises if you:  (a) Demonstrate evidence that care of one client category will not interfere with the quality of services provided to another category of clients;  (b) Maintain the most stringent maximum capacity limitation for the clients categories concerned;  (c) Request and obtain a waiver permitting dual licensure; and  (d) Request and obtain a waiver to subsection (2)(b) of this section, if applicable.  170-295-7070  What circumstantial changes must I report to my licensor?  A child care center license is valid only for the address, person, and organization named on the license. You must promptly report to the licensor any major changes in administrative staff, program, or premises affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensor. A major change includes the following:  (1) Center's address, location, space or phone number;  (2) Maximum number and age ranges of children you wish to serve compared to the current license specifications;  (3) Number and qualifications of the center's staffing pattern that may affect staff capability to carry out the specified program, including:  (a) Change of ownership, chief executive, director, or program supervisor; and  (b) Death, retirement, or incapacity of the person licensed;  (4) Name of the licensed corporation, or name by which the center is commonly known, or changes in the center's articles of incorporation and bylaws;  (5) A fire, major structural change, or damage to the premises; and  (6) Plans for major remodeling of the center, including planned use of space not previously approved by the fire marshal's office or us. | **170-300-0425**  **Initial, non-expiring, and dual licenses and license modification.**  (1) The department may issue an initial license when an early learning program applicant demonstrates compliance with health and safety requirements of this chapter but may not be in full compliance with all requirements, pursuant to RCW 43.215.280.  (a) An initial license is valid for six months from the date issued.  (b) At the department's discretion, an initial license may be extended for up to three additional six month periods, not to exceed a total of two years.  (c) The department must evaluate the early learning provider's ability to follow requirements contained in this chapter during the initial license period. Weight NA  (2) The department may issue a non-expiring license to a Licensee operating under an initial license who, pursuant to RCW 43.215.260:  (a) Demonstrates full compliance with the requirements of this chapter at any time during the period of initial licensure.  (b) Demonstrates substantial compliance with the requirements of this chapter at any time. Weight NA  (3) The department may issue a non-expiring license when a Licensee submits annual compliance documents at least 30 calendar days prior to the anniversary date. The anniversary date is the date the first initial license was issued, pursuant to RCW 43.215.260. The required annual compliance documents are:   1. The annual nonrefundable license fee; 2. A declaration on the department’s form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) indicating:    1. The intent to continue operating a licensed early learning program;    2. The intent to cease operation as a licensed early learning program;    3. A change in the early learning program’s operational hours or dates; or    4. The intent to comply with all licensing rules. 3. Documentation of completed background check applications as determined by the department’s established schedule, pursuant to RCW 43.215.215(2); and 4. For each individual required to have a background check clearance, the early learning provider must verify current background checks or require the individual to submit a background check application at least 30 calendar days prior to the anniversary date. Weight NA   (4) If a Licensee fails to meet the requirements for continuing a non-expiring license, the Licensee’s current license expires and the early learning provider must submit a new application for licensure, pursuant to RCW 43.215.260(3). Weight NA  (5) Nothing about the non-expiring license process in this section may interfere with the department’s established monitoring practices, pursuant to RCW 43.215.260(4)(a). Weight NA  (6) A Licensee has no right to an adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or non-continuation of a non-expiring license resulting from a failure to comply with the requirements of this section. Weight NA  (7) A Licensee must have department approval to hold dual licenses such as a department-issued early learning program license and another care giving license, certification, or similar authorization. Weight #1  (8) If the department determines that a Licensee is not meeting all applicable requirements and regulations, pursuant to RCW 43.215.300:   1. The department and Licensee may agree to modify the child care license; 2. The Licensee may give up one of the licenses, certifications, or authorizations; or 3. The department may suspend, deny, or revoke the early learning license. Weight NA     (9) An early learning provider must report to the department and local authorities the following within 24 hours:  (a) A fire or other structural damages to the early learning program space or other parts of the premises;  (b) A change in the number of household members living within a family home early learning program space. This includes individuals 14 years old or older that move in or out of the home, or a resignation or termination pursuant to RCW 43.215.371. A birth or death affecting the number of household members must be reported within 24 hours or at first opportunity;   1. A retirement, termination, death, incapacity, or change of the Program Director, Assistant Director, or Program Supervisor, or change of ownership or incorporation of a provider;   (d) When a provider becomes aware of a charge or conviction against themselves, a staff person or household member, if applicable, and the charge or conviction is a disqualifying crime, pursuant to WAC 170-06;  (e) When a provider becomes aware of an allegation or finding of abuse, neglect, maltreatment, or exploitation of a child or vulnerable adult made against themselves, a staff person, or a household member, if applicable; and  (f) Any changes in the early learning program hours of operation to include closure dates. Weight # 7  (10) A Licensee, Center Director, Assistant Director, or Program Supervisor must request and be approved prior to changing the capacity of an early learning program. Weight #5    (11) A Licensee, Center Director, Assistant Director, or Program Supervisor must have State Fire Marshal approval and comply with local building ordinances following a significant change under WAC 170-300-0402(1)(a) through (c), if applicable. Weight #6  (12) A Licensee, Center Director, Assistant Director, or Program Supervisor must notify the department within 30 calendar days when liability insurance coverage under RCW 43.215.535 has lapsed or been terminated. Weight #4 |  |  | |
| **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. | | | | |

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| **Licensing Process – Subsidy 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-1075  Child care subsidy  A licensee who receives child care subsidy payments must follow the requirements of the applicable subsidy program. A licensee who receives subsidy payments under the working connections child care or seasonal child care programs must follow the requirements of chapter [170-290](http://apps.leg.wa.gov/wac/default.aspx?cite=170-290) WAC | WAC 170-295-0030  Eligibility to receive state child care subsidies.  To be eligible to receive state child care subsidies for children in their care, individuals, entities and agencies must:  (1) Be licensed or certified;  (2) Be a seasonal camp that has a contract with DEL and is certified by the American Camping Association;  (3) Follow billing policies and procedure in *Child Care Subsidies: A Booklet for Licensed and Certified Child Care Providers,* revised 2012;  (4) Bill at the individual's, entity's, or agency's customary rate or the state rate, whichever is less; and  (5) Keep attendance records as described in WAC [170-295-7030](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-7030) and invoices for state-paid children on-site for at least five years as provided in WAC [170-295-7031](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-7031). | **170-300-0430**  **Subsidy requirements.**  An early learning provider or program that receives child care subsidy payments under the Working Connections Child Care or seasonal programs must:  Be licensed, certified, or contracted by the department; and Weight #1  (2) Follow all requirements and timeframes of WAC 170-290-0125. Weight #1 |  |  | |
| **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. | | | | |

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| **Licensing Process – Waiver from department rules** | | | | |
| **Family Home WAC** | **Center WAC** | **Proposed WAC** |  |  | |
| 170-296A-1625  Exception to rule  (1) The department cannot waive a requirement in state or federal law.  (2) The department may approve an exception to a rule in this chapter.  (3) An exception to rule request must be:  (a) In writing on a department form;  (b) Submitted by the licensor; and  (c) Approved by the director or director's designee.  (4) The department may approve an exception only for a specific purpose or child.  (5) An exception is time limited and may not exceed the specific time period approved by the department.  (6) If the exception request is approved, the licensee must post notice of the approved exception with other notices that must be posted for parent and public view, unless the exception is for a specific child.  (7) The department's denial of an exception request is not subject to appeal under chapter [170-03](http://apps.leg.wa.gov/wac/default.aspx?cite=170-03) WAC.  WAC 170-296A-1650  Exception to rule—Alternate method of meeting a requirement  The department may approve an alternate method of achieving a specific requirement's intent as an exception to rule. The process for requesting and approving an exception is described in WAC [170-296A-1625](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-1625) (3) through (5).  (1) The alternate method must not jeopardize the health, safety or welfare of the children in care.  (2) A copy of the department approved exception must be posted on the premises for parent and public view. | 170-295-0050  Can I get a waiver (exception) to the minimum licensing requirements or to licensing fees?  (1) In an individual case we can, if we decide you have a good reason, waive a specific requirement and can approve an alternate method for you to achieve the specific requirement if you:  (a) Submit the request in writing to us;  (b) Explain in detail the reason you need the waiver; and  (c) Can demonstrate that you have an alternative method of meeting the intent of the requirement.  (2) If the waiver is approved, you must retain a copy of the written waiver approval on the child care premises.  (3) We approve a waiver request if:  (a) You have a good reason;  (b) We determine that approval of the waiver request will not endanger the safety or welfare of the child or take away from the quality of your service;  (c) The request and approval is for a specific purpose or child; and  (d) The waiver request is for a specific period of time, which must not go beyond the date the license expires.  (4) We can limit or restrict a license issued to you in combination with a waiver.  (5) Any person or agency can submit a request for a waiver of licensing fees. We may waive fees when collection of the fee would:  (a) Not be in the best interest of public health and safety;  (b) Be to the financial disadvantage of the state.  (6) To request a waiver to the requirements to pay a licensing fees, you must:  (a) Submit a sworn, notarized petition requesting a waiver of fees;  (b) Mail or deliver the petition to your local child care licensing office; and  (c) Submit any additional documentation that we may consider relevant to your request for a waiver.  (7) You have no appeal rights to the denial of a waiver request under chapters [34.05](http://app.leg.wa.gov/RCW/default.aspx?cite=34.05) RCW and [170-03](http://apps.leg.wa.gov/wac/default.aspx?cite=170-03) WAC. | **170-300-0435**  **Waiver from department rules.**   1. The department cannot waive a requirement of state or federal law. Weight NA 2. Pursuant to RCW 43.215.070, the department may approve a waiver from a rule in this chapter, or allow an early learning provider to achieve a specific requirement through an alternate method, if the alternate method does not jeopardize the health, safety, or welfare of the children in care. Weight NA      1. An early learning provider’s request for a waiver from a rule in this chapter must be: 2. Submitted in writing on the department’s form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) to the local licensing office; 3. Approved by the department prior to the provider following the waiver from the rule; 4. For a specific program need or child; 5. Posted for parent or guardian and public view when a requested waiver is related to the overall program (not specific to any child); and 6. Continually posted as long as the waiver is approved.   Weight #1   1. Waivers from the rule may be time specific. If time specific, the early learning provider’s action on the waiver must not exceed the timeframe established by the department. Weight #1 2. The department’s disapproval of a request for a waiver from the rules is not subject to appeal under chapter 170-03 WAC (DEL hearing rules). Weight NA |  |  | |
| **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. | | | | |

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| **Licensing Process – Variance from department rules** | | | | |
| **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 standard | No current standard | **170-300-0436**  **Variance from department rules.**   1. The department cannot provide variance from a requirement in state or federal law. Weight NA      1. Upon written request of an applicant, Licensee, Center Director, Assistant Director, or Program Supervisor, the department may grant a variance from a rule in this chapter if the proposed program alternative does not jeopardize the health, safety, or welfare of the children in care. Weight NA      1. An request for variance from a rule in this chapter must be: 2. Submitted in writing to the local licensing office using a department form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>); 3. Approved by the department director or the director’s designee prior to the early learning provider implementing the variance from the rule; 4. For a specific program approach or methodology; and 5. Posted for public view, if approved. Weight #1      1. The department’s decision, including the conditions under which the variance was granted, must be kept on file by the early learning provider. Weight # 1 2. A granted variance may be time limited or may remain in effect for as long as the early learning provider continues to comply with the conditions of the variance. If the variance from the rule is time limited, the provider must not exceed the timeframe established by the department. Weight #1 3. The department’s disapproval of a request for a variance from the rules is not subject to appeal under chapter 170-03 WAC (DEL hearing rules). Weight NA z |  |  | |
| **Justification:**  Proposed WAC 170-300-0436 creates an opportunity for a variance from department rules, which would permit an early learning provider to secure an alternative to WAC regulations for which an alternative is proposed with proper justification. The Department recognizes that there are instances in which there could be an alternative program approach, such as a program operating based on specific methodology, for example Montessori or based on a specific subset of performance standards such as ECEAP or Head Start. The proposed variance regulation is designed to address a longer term solution beyond situations met by a waiver to the rules. | | | | |

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| **Licensing Process – Facility Licensing Compliance Agreements, no referral status, probationary license, and provider rights** | | | | |
| **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-8000 Facility licensing compliance agreements  At the department’s discretion, when a licensee is in violation of this chapter or chapter 43.215 RCW, a facility licensing compliance agreement may be issued in lieu of the department taking enforcement action.  (1) The facility licensing compliance agreement contains:  (a) A description of the violation and rule or law that was violated;  (b) A statement from the licensee regarding the proposed plan to comply with the rule or law;  (c) The date the violation must be corrected;  (d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date; and  (e) Signature of the licensor and licensee.  (2) The licensee must return a copy of the completed facility license compliance agreement to the department by the date indicated when corrective action has been complete.  (3) The licensee may request a supervisory review regarding the violation of rules or laws identified on the facility license compliance agreement.  (4) A facility license compliance agreement is not subject to appeal under chapter 170-03 WAC.  WAC 170-296A- 8010 Nonreferral status  In addition to or in lieu of an enforcement action under this chapter, the department may place a family home child care on nonreferral status as provided in RCW 43.215.300(4)  WAC 170-296A-8025 Time period for correcting a violation  The length of time the licensee has to make the corrections depends on:  (1) The seriousness of the violation;  (2) The potential threat to the health, safety and well-being of the children in care; and  (3) The number of times the licensee has violated rules in this chapter or requirements under chapter 43.215 RCW. | WAC 170-295-0100 When can my license application be denied and when can my license be suspended or revoked?   1. If you do not meet the requirement is chapter 170-295 WAC we deny your license application or suspend or revoke your license. 2. If more than one person applies for a license or is licensed under this chapter to provide child care at the same facility: (a) We consider qualifications separately and together. (b) We deny the license application or suspend or revoke the license if one person fails to meet the minimum licensing requirements. 3. We must deny, suspend, or revoke your license if you: (a) Have been found to have abused, neglected, sexually exploited, abandoned a child or allowed such persons on the premises as defined in chapter 26.44 RCW; (b) Have been convicted of, or have charges pending for, crimes on the DEL director’s list under WAC 170-06-0120; (c) Have had a license denied, suspended, or revoked for the care of adults or children in this state or any other state. However, if you demonstrate by clear and convincing evidence that you have taken enough corrective action and rehabilitation to justify the public trust to operate the center according to the rules of this chapter, we consider issuing you a license; (d) Commit or allow illegal act to be committed on the licensed premises; (e) Allow children in your care to be abused, neglected, exploited, or treated with cruelty or indifference; (f) Use illegal drugs; (g) Use alcohol to the extent that it interferes with your ability to provide care for the children as required by this chapter; (h) Refuse to permit an authorized representative of the department, state fire marshal, or state auditor’s office with official identification to:   (i) Inspect the premises;  (ii) Access your records related to the centers operation; or  (iii) Interview staff or children in care;  (i) Refuse to provide us a copy of your:  (i) Photo identification issued by a government entity; and  (ii) Social Security card that is valid for employment or verification of your employer identification number.   1. We may deny, suspend, or revoke your license if you: (a) Try to get or keep a license by making false statements or leaving out important information on your application; (b) Do not provide enough staff in relation to the numbers, ages, or characteristics of children in care; (c) Allow a person who is not qualified by training, experience or temperament to care for or be in contact with children in care; (d) Fail to provide adequate supervision to children in care; (e) Do not exercise fiscal responsibility and accountability while operating the center; (f) Knowingly allow an employee or volunteer on the premises that has made false statements on an application for employment or volunteer service; (g) Refuse to supply additional information requested by us; (h) Fail to pay fees when due; (i) Fail to comply with the minimum licensing requirements set forth in this chapter or any provision of chapter 43.215 RCW; or (j) Provide care on the premises for children of an age different from the ages for which the center is licensed. | **170-300-0440**  **Facility Licensing Compliance Agreements, no referral status, probationary license, and provider rights.**  (1) At the department's discretion, when an early learning provider is in violation of this chapter or chapter [43.215](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215) RCW, a Facility Licensing Compliance Agreement (FLCA) may be issued in lieu of the department taking enforcement action. The FLCA must contain:  (a) A description of the violation and the law or rule that was violated.  (b) A proposed plan from the provider or a designee to comply with the law or rule.  (c) The date the violation must be corrected, determined by:  (i) The seriousness of the violation;  (ii) The potential threat to the health, safety, and well-being of the children in care; and  (iii) The number of times the early learning program has violated rules in this chapter or under chapter 43.215 RCW.  (d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date.  (e) The signature of the department licensor and the provider. Weight NA  (2) An early learning provider must return a copy of the completed FLCA to the department after corrective action has been completed and by the date indicated. Weight #1  (3) An early learning provider may request a supervisory review regarding the violation of laws or rules within ten calendar days of the violation being identified on the FLCA. Weight #1  (4) A FLCA is not subject to appeal under chapter [170-03](http://apps.leg.wa.gov/wac/default.aspx?cite=170-03) WAC (DEL hearing rules). Weight NA  (5) In an enforcement action against an early learning program or provider, the provider has the right to:  (a) Refuse to accept or sign a FLCA.  (b) Refuse to agree to a probationary license. Weight NA  (6) If an early learning provider refuses a FLCA or probationary license, this may result in one of the following enforcement actions:  (a) Modification of the license;  (b) Non-continuation of a non-expiring license;  (c) Suspension of the license;  (d) Revocation of the license; or  (e) Civil penalties. Weight NA   1. The department may place an early learning provider on no referral status, pursuant to RCW 43.215.300(4), in addition to or in lieu of an enforcement action under this chapter. Weight NA   (8) A probationary license may be issued to an early learning provider or program operating under a non-expiring license as part of a corrective action plan. Prior to issuing a probationary license, the department must refer the program or provider for technical assistance, pursuant to RCW [43.215.290](http://app.leg.wa.gov/RCW/default.aspx?cite=43.215.290)(2). Weight NA  (9) A department decision to issue a probationary license is based on an early learning program or providers’:  (a) Negligent or intentional noncompliance with the licensing rules;  (b) History of noncompliance with licensing rules;  (c) Current noncompliance with licensing rules;  (d) Fire safety inspection or health/sanitation inspection report that failed to gain approval;  (e) Use of unauthorized space for child care;  (f) Inadequate supervision of children;  (g) Understaffing for the number of children in care;  (h) Noncompliance with requirements addressing children’s health, proper nutrition, discipline, emergency medical plan, sanitation or personal hygiene practices; and  (i) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.215 RCW. Weight NA  (10) When the department issues a probationary license, the early learning provider must:  (a) Provide notice of the probationary license and a copy of the department’s probationary licensing agreement to the parents and guardians of enrolled children within five business days of receiving the probationary license;  (b) Provide documentation to the department that parents or guardians of enrolled children have been notified within ten business days of receiving the probationary license;  (c) Inform new parents or guardians of the probationary status before enrolling new children into care;  (d) Post documentation of the approved written probationary license as required by RCW 43.215.525; and  (e) Return the early learning program’s non-expiring license to the department. Weight #1 |  |  | | |
| **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. | | | | | |

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| **Licensing Process – Department action scoring approach** | | | | |
| **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-8050 Civil monetary penalties (fines)  A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW.  (1) A fine of one hundred fifty dollars per day may be imposed for each violation.  (2) The fine may be assessed and collect with interest for each day a violation occurs.  (3) A fine may be imposed in addition to other action taken against the license including probation, suspension, revocation or denial of a license renewal.  (4) At the department’s discretion, a fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075.  (5) When a fine is assessed the licensee has the right to a hearing under chapter 170-03 WAC. The fine notice will include information about the licensee’s hearing rights and how to request a hearing.  WAC 170-296A-8060 When fines are levied  The department may base a fine for violation of a rule under this chapter or a requirement in chapter 43.215 RCW, according to whether the licensee:  (1) Has allowed the existence of any condition that creates a serious safety and health risk;  (2) Or any staff person or household member uses corporal punishment or humiliating methods of control or discipline;  (3) Or any staff person fails to provide the required supervision;  (4) Fails to provide required light, ventilation, sanitation, food, water, or heating;  (5) Provides care for more than the highest number of children permitted by the license; or  (6) Repeatedly fails to follow the rules in this chapter or the requirements in chapter 43.215 RCW. As used in this section, “repeatedly” means a violation that has been the subject of a facility licensing compliance agreement that occurs more than once in a twelve-month time period.  WAC 170-296A-8075  Fines – Payment period  A fine must be paid within twenty-eight calendar days after the licensee receives the notice unless:  (1) The department approves a payment plan if requested by the licensee; or  (2) The licensee request a hearing as provided in RCW 43.215.307(3)  WAC 170-296A-8100 Notice of fine – Posting  The licensee must post the department letter notifying the licensee of a final notice of a civil penalty;  (1) Immediately upon receipt;  (2) In the licensed space where it is clearly visible to parents and guardians; and  (3) For two weeks or until the violation causing the fine is corrected, whichever is longer.  WAC 170-296A-8125 Failure to pay a fine – Department action  If the licensee fails to pay a fine within twenty-eight calendar days after the fine assessment becomes final the department may suspend, revoke or not continue the license. | WAC 170-295-0110 Civil fines.   1. The department notifies licensees in writing of the department’s intention to impose a civil fine. The department may use personal service, the department’s licensor, or certified mail. The letter will include:  (a) A description of the violation and a quote of the law or rule that the licensee has failed to meet; (b) A statement of what the licensee must do to come into compliance; (c) The date by which the department requires compliance; (d) Information about the maximum   allowable penalty the department can impose if the licensee does not come into compliance by the given date; (e) How the licensee can get technical assistance services provided by the department or by others; and (f) Information about how the licensee can request an extension to the date to be in compliance, if the department decides he or she has a good reason.   1. The length of time the department establishes for the licensee to come into compliance depends on: (a) The seriousness of the violation; (b) The potential threat to the health, safety and welfare of children in the licensee’s care; or (c) If the licensee has had previous opportunities to correct the deficiency and has not done so. 2. The department uses the following criteria to determine if the department imposes a civil fine based on, but not limited to, these reasons: (a) The child care center has previously been subject to enforcement action for the same or similar type of violation for the same statute or rule; or  (b) The child care center has previously been given notice of the same or similar type of violation of the same law or rule; or (c) The violation represents a potential threat to the health, safety, and/or welfare of children in care. 3. The department may impose a civil fine in addition to or at the same time as other disciplinary actions against a child care center. These include probation, suspension, or other action. 4. A licensee must pay any civil fines no more than twenty-eight days after receiving the notice that he or she has a fine. The department may specify a later date. 5. The department may waive the fine if the licensee’s center comes into compliance during the notification period. 6. A licensee must post the final notice of civil fine in a noticeable place in his or her center. The notice must remain posted until the department notifies the licensee that the department has received the payment. 7. Each violation of a law or rule is a separate violation. The department may penalize each violation. The department may impose a penalty for each day the violation continues or as a flat amount of the maximum allowable penalty. 8. If the licensee fails to pay a fine within ten days after the assessment becomes final, the department may suspend, revoke, or not continue his or her license. 9. Licensees have the right to a hearing when the department assesses a civil fine under RCW 43.215.307 and chapter 170-03 WAC.   WAC 170-295-0120 How much can I be fined?  We can impose a civil fine for the following:   1. If we determine that an agency or child care center is operating without a license we may assess a fine of two hundred fifty dollars per day for each day you provide unlicensed child care. A fine is effective and payable within thirty days of receipt of the notification. 2. We may impose a civil monetary fine of two hundred fifty dollars per violation per day for violation of any rules in chapter 170-295 WAC. We can assess and collect the fine with interest for each day that you fail to come into compliance. | **170-300-0441**  **Department action scoring approach.**   1. The department calculates and scores an early learning provider’s compliance with this chapter using weights assigned to rules of this chapter. Weights range from a low of one point to a high of eight points. Higher weights correspond to a higher potential risk or danger and the higher likelihood a child in the early learning setting may be harmed either directly or indirectly if the rule is not complied with. Weight NA      1. The department takes compliance actions or enforcement actions based on single visit scores and overall licensing scores, pursuant to WAC 170-300-0442 and 0443. Compliance actions and enforcement actions may be taken separately or together. Weight NA 2. The department uses a two-step scoring approach to determine when to assess compliance actions or enforcement actions depending on the weight and number of times a rule is violated. The department shall take compliance actions or enforcement actions against an early learning provider based on a provider’s single finding scores (step one) or overall licensing score (step two). Weight NA 3. An early learning provider’s single finding score is determined during a site visit using the individual weights assigned to rules a provider fails to comply with. 4. Rules that a provider fails to comply with and the corresponding weights of those rules are recorded on a Facility Licensing Compliance Agreement (FLCA) and are transferred to the department’s electronic database. 5. Weights reflect the level of potential risk or danger to children in the early learning setting. 6. Rules that carry a weight of one or two points do not result in compliance or enforcement actions under a single finding score but do contribute to a provider’s overall licensing score. Weight NA 7. An overall licensing score represents an early learning provider’s record of compliance with this chapter over the previous 36 months. The weights recorded on FLCAs within the previous three calendar years are recorded in the department’s electronic database. Overall licensing scores range from a low of zero points to a high of 151 points or more (151+). The overall licensing score is the sum of: 8. A provider’s most recent monitoring visit score; 9. All single finding scores from licensing visits in the previous 12 months; and 10. One half the value of: 11. The two monitoring visit scores prior to that in subsection (a) of this section; and 12. All single finding scores from 24 months prior to those in subsection (b) of this section. Weight NA |  |  | |
| The Washington state legislature granted the Department of Early Learning (DEL) the authority “to safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care.” RCW 43.215.005(4)(c). As part of this responsibility, DEL must “administer child care and early learning programs.” RCW 43.215.005(4)(d). Accordingly, DEL administers these programs by creating and enforcing rules that protect and promote the health and safety of enrolled children. These rules encourage compliance and, when an early learning provider fails to comply, they also outline penalties (or “actions”) the department can take to encourage providers to come into compliance.  In this section, DEL is proposing a new, two-step process to help determine which action to take based on the “weight” (or risk of harm) of the rules that were not complied with. This weighting process was developed using the most up-to-date scientific and social research to assigning a weight to each rule to distinguish levels of regulatory compliance. By weighting the rules DEL will be able to utilize each program’s operations compliance history including the repetition of violations, investigations, types, and number and weight of deficiencies to generate the enforcement recommendations. Such research indicates the importance of capturing and analyzing data that reflects the weight of rules that a provider fails to comply with as well as the compliance history over a number of years. By using this approach, and capturing these data, DEL is able to tailor actions to each provider in a way that will increase compliance overall, reduce the number of times a provider fails to comply with licensing rules, and identify which providers are the most at risk of harming children enrolled in their program. | | | | |

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| **Licensing Process – Weights and compliance/enforcement actions** | | | | |
| **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** | |
|  |  | **170-300-0442**  **Compliance and enforcement actions.**   1. An early learning provider’s single finding score is determined pursuant to 170-300-0441(4). The department takes compliance actions or enforcement actions based on the risk value or “weight” of a rule and the number of times a provider failed to comply with a rule. Compliance and enforcement actions are taken pursuant to the scoring system described in this chapter or pursuant to RCW 43.215.040,.070, and .200. If a provider fails to comply with a rule with a risk value (or weight) of: 2. **Extremely Low Risk (3 points):** The department shall provide technical assistance during the site visit. 3. **Low Risk (4 points):** The department shall provide technical assistance during the site visit. The department shall also assess a civil monetary penalty (fine) if during the site visit the licensor finds that the provider violated a rule of this weight four or more times within the previous 36 months. 4. Additional fines may be assessed each additional time beyond four that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to a department licensor conduct has been taken to come into compliance with that rule. 5. The fine shall be seventy five dollars ($75) per violation per day for a center early learning provider, or fifty dollars ($50) per violation per day for a family home early learning provider. 6. **Medium Low Risk (5 points):** The department shall provide technical assistance during the site visit. The department shall also assess a fine if during the site visit the licensor finds that the provider violated a rule of this weight three or more times within the previous 36 months. 7. Additional fines may be assessed each additional time beyond three that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to a department licensor the provider is compliant with that rule. 8. The fine shall be one hundred dollars ($100) per violation per day for a center early learning provider, or seventy five dollars ($75) per violation per day for a family home early learning provider. 9. **Medium High Risk (6 points):** The department shall provide technical assistance during the site visit and may require the provider to develop a safety plan. The department shall also assess a fine if during the site visit the licensor finds that the provider violated a rule of this weight two or more times within the previous 36 months. 10. Additional fines may be assessed each additional time beyond two that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to a department licensor the provider is compliant with that rule. 11. The fine shall be one hundred fifty dollars ($150) per violation per day for a center early learning provider or one hundred dollars ($100) per violation per day for a family home early learning provider. 12. **High Risk (7 points):** The department shall provide technical assistance during the site visit and may place the provider on a probationary license, or modify or suspend the provider’s license. The department shall also assess a fine if during the site visit the licensor finds that the provider violated a rule of this weight one or more times within the previous 36 months. 13. Additional fines may be assessed each additional time that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to a department licensor the provider is compliant with that rule. 14. The fine shall be two hundred fifty dollars ($250) per violation per day for a center early learning provider or one hundred fifty dollars ($150) per violation per day for a family home early learning provider. 15. **Extremely High Risk (8 points):** The department may deny, suspend, or revoke the provider’s license. Weight NA   **\*\*\*\*SINGLE FINDING SCORE CHART\*\*\*\***   1. An early learning provider’s overall licensing score is calculated pursuant to 170-300-0441(5). In addition to single finding scores, a provider’s overall licensing score determines what compliance actions or enforcement actions the department may take. Compliance and enforcement actions are taken pursuant to the scoring system described in this chapter or pursuant to RCW 43.215.040,.070, and .200. If a provider’s overall licensing score is: 2. **1-50 points:** The department shall provide technical assistance to help a provider comply with this chapter. 3. **51-100 points:** In addition to providing technical assistance, the department may require the provider to complete an office conference. The department shall also assess a one-time fine once a provider’s overall licensing score reaches at least 51 points. The fine shall be one hundred fifty dollars ($150) per violation per day for a center early learning provider or fifty dollars ($50) per violation per day for a family home early learning provider once a provider’s overall licensing score reaches at least 51 points. 4. **101-150 points:** In addition to providing technical assistance, the department may issue a probationary license pursuant to RCW 43.215.290, or modify or suspend the provider’s license. The department shall also assess a one-time fine once a provider’s overall licensing score reaches at least 101 points. The fine shall be two hundred fifty dollars ($250) per violation per day for a center early learning provider or one hundred fifty dollars ($150) per violation per day for a family home early learning provider. 5. **151 or more points:** the department may suspend or revoke the provider’s license. Weight NA   **\*\*\*\*OVERALL LICENSING SCORE CHART\*\*\*\*** |  |  | |
| The Washington state legislature granted the Department of Early Learning (DEL) the authority “to safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care.” RCW 43.215.005(4)(c). As part of this responsibility, DEL must “administer child care and early learning programs.” RCW 43.215.005(4)(d). Accordingly, DEL administers these programs by creating and enforcing rules that protect and promote the health and safety of enrolled children. These rules encourage compliance and, when an early learning provider fails to comply, they also outline penalties (or “actions”) the department can take to encourage providers to come into compliance.  In this section, DEL uses numerical weights that correspond to a number of DEL’s licensing rules to assign an early learning provider a Single Finding Score. Weights on each rule range from three points (least risk of direct or indirect harm to children) to eight points (most risk of harm) and have escalating actions. This proposed section also indicates how a provider’s Single Finding Score and history of compliance would be tracked over a three year period to produce an Overall Licensing Score. This weighting process was developed using the most up-to-date scientific and social research to assigning a weight to each rule to distinguish levels of regulatory compliance. By weighting the rules DEL will be able to utilize each program’s operations compliance history including the repetition of violations, investigations, types, and number and weight of deficiencies to generate the enforcement recommendations. Such research indicates the importance of capturing and analyzing data that reflects the weight of rules that a provider fails to comply with as well as the compliance history over a number of years. By using this approach, and capturing these data, DEL is able to tailor actions to each provider in a way that will increase compliance overall, reduce the number of times a provider fails to comply with licensing rules, and identify which providers are the most at risk of harming children enrolled in their program. | | | | |

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| **Licensing Process – Enforcement actions, notice, and appeal** | | | | |
| **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-8150  Denial, suspension, revocation, modification, or noncontinuation of a license.  A license may be denied, suspended, modified, revoked or not continued when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.  WAC 170-296A-8175 Violations – Enforcement action  The department may deny, suspend, revoke, or not continue a license when:  (1) The licensee is unable to provide the required care for the children in a way that promotes their health, safety and well-being;  (2) The licensee is disqualified under chapter 170-06 WAC (DEL background check rules);  (3) The licensee or household member has been found to have committed child abuse or child neglect;  (4) The licensee has been found to allow staff or household members to commit child abuse or child neglect;  (5) The licensee has a current charge or conviction for a disqualifying crime under WAC 170-06-0120; (6) There is an allegation of child abuse or neglect against the licensee, staff, or household member.  (7) The licensee fails to report to DSHS children’s administration intake or law enforcement any instances of alleged child abuse or child neglect;  (8) The licensee tries to obtain or keep a license by deceitful means, such as making false statements or leaving out important information on the application;  (9) The licensee commits, permits or assists in an illegal act at the child care premises;  (10) The licensee uses illegal drugs or alcohol in excess, or abuses prescription drugs;  (11) The licensee knowingly allowed a staff or household member to make false statements on employment or background check application related to their suitability or competence to provide care;  (12) The licensee fails to provide the required level of supervision for the children in care;  (13) The licensee cares for more children than the maximum number stated on the license;  (14) The licensee refuses to allow department authorized staff access during child care operating hours to:  (a) Requested information;  (b) The licensed space;  (c) Child, staff or program files; or  (d) Staff or children in care.  (15) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;  (16) The licensee cares for children outside the ages stated on the license;  (17) A staff person or a household member residing in the licensed home is disqualified under chapter 170-06 WAC (DEL background check rules);  (18) The licensee, staff person, or household member residing in the licensed home has a current charge or conviction for a crime described in WAC 170-06-0120;  (19) A household member residing in the licensed home had a license to care for children or vulnerable adults denied or revoked;  (20) The licensee does not provide the required number of qualified staff to care for the children in attendance; or  (21) The department is in receipt of information that the licensee has failed to comply with any requirement described in WAC 170-296A-1420  WAC 170-296A-8225 Notice of license denial, suspension, revocation, or modification   1. The department notifies the licensee of the denial, suspension, revocation, or modification of the license by sending a certified letter or by personal service. 2. The letter contains information on what the licensee may do if the licensee disagrees with the decision to deny, suspend, revoke, or modify the license. 3. The licensee has a right to appeal the denial, suspension, revocation or modification of the license. The department notice will include information on hearing rights and how to request a hearing.   WAC 170-296A-8250 Probationary license  A probationary license may be issued to a licensee operating under a nonexpiring full license as part of a corrective action plan. The department refers the licensee for technical assistance as provided in RCW 43.215.290 prior to issuing a probationary license.  WAC 170-296A-8275 Probationary license – Cause  A department decision to issue a probationary license must be based on the following:  (1) Negligent or intentional noncompliance with the licensing rules;  (2) A history of noncompliance with the licensing rules;  (3) Current noncompliance with the licensing rules; or  (4) any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.215 RCW  WAC 170-296A-8300 Issuing a probationary license  When the department issues a probationary license, the licensee must:  (1) Provide the parents and guardians of enrolled children notice of the probationary license in a department approved format within five working days of the licensee receiving the probationary license; (2) Provide documentation to the department that parents or guardians of enrolled children have been notified; (3) Inform new parents or guardians about the probationary status before enrolling new children; (4) Post documentation of the approved written probationary license as required by RCW 43.215.525; and  (5) Return the licensee’s nonexpiring full license to the department.  WAC 170-296A-8325 Refusing a FLCA or probationary license.   1. The licensee has the right to: (a) Refuse or refuse to sign a facility licensing compliance agreement; or (b) Refuse to agree to a probationary license. 2. Refusing a facility license compliance agreement or probationary license may result in one of the following enforcement actions: (a) Modification of the license; (b) Noncontinuation of a nonexpiring full license; (c) Suspension of the license; or (d) Revocation of the license   WAC 170-296A-8400 Hearing process   1. Department notice of an enforcement action includes information about the individual’s or licensee’s right to request an adjudicative proceeding (hearing) and how to request a hearing.   The hearing process is governed by chapter 34.05 RCW Administrative Procedure Act, applicable sections of chapter 43.215 RCW department of early learning, and chapter 170-03 WAC, DEL hearing rules. | WAC 170-295-0140 Probationary licenses   1. The department may issue a probationary license to a licensee in accordance with the process provided in RCW 43.215.290, based on the following factors: (a) The licensee’s willful or negligent failure to comply with the regulations; (b) The licensee’s history of noncompliance with the regulations; (c) How far the licensee deviates from the regulations; (d) Evidence of the licensee’s good faith effort to comply with the regulations; and (e) Any other factors relevant to the licensee’s unique situation. 2. The department may issue a probationary license to a licensee when the willful or negligent violation of the licensing requirements does not present an immediate threat to the health and well being of the children, but would be likely to do so if allowed to continue. The department may also issue civil fines or other sanctions in this case. Such situations can include: (a) Substantiation that a child was abused or neglected while in the care of the center; (b) A fire safety inspection or health/sanitation inspection report that has been disapproved; (c) Use of unauthorized space for child care; (d) Inadequate supervision of children;  (e) Under staffing for the number of children in care; and (f) Non compliance with requirements addressing children’s health, proper nutrition, discipline, emergency medical plan, sanitation and personal hygiene practices. 3. Licensees are required to notify parents when a probationary license is issued. The licensee must: (a) Notify in writing the parents or guardians of all children in care that the center is in probationary status. This notification must be within five working days of receiving notification of being placed on probationary status or being issued a probationary license. The department must approve the notification before the licensee sends it; and (b) Provide documentation to the department that parents or guardians of all children in care have been notified. The licensee must provide this documentation within ten working days of being notified that he or she has been issued a probationary license. 4. A probationary license may be issued for up to six months and may be extended at the department’s discretion for an additional six months. | **170-300-0443**  **Enforcement actions, notice, and appeal.**   1. Pursuant to RCW 43.215.300, the department is authorized to take enforcement actions when an early learning provider fails to comply with this chapter or chapter 43.215 RCW. Enforcement actions are taken pursuant to the scoring system described in this chapter, or pursuant to RCW 43.215.040,.070, and .200. Enforcement actions include civil monetary penalties (fines) or the denial, suspension, revocation, modification, or nonrenewal of a license. Weight NA 2. An early learning provider subject to an enforcement action has the right to appeal by requesting an adjudicative proceeding (or “hearing”) pursuant to chapter 170-03 WAC (DEL hearing rules). Weight NA      1. The department must issue a notice of violation to an early learning provider when taking enforcement actions. A notice of violation must be sent by certified mail or personal service and must include: 2. The reason why the department is taking the action; 3. The rules the provider failed to comply with; 4. The provider’s right to appeal enforcement actions; and 5. How the provider may appeal and request a hearing. Weight NA 6. Fines shall not exceed two hundred and fifty dollars ($250) per day per violation for center early learning programs or one hundred and fifty dollars ($150) per day per violation for family home early learning programs. Fines may be: 7. Assessed and collected with interest for each day a violation occurs; 8. Imposed in addition to other enforcement actions; and 9. Withdrawn or reduced if an early learning provider comes into compliance during the notification period. Weight NA 10. An early learning provider must pay fines within 28 calendar days after receiving a notice of violation unless: 11. The provider requests and the department approves an alternate payment plan; 12. The Office of Financial Recovery establishes a payment plan for the provider; or 13. The provider requests a hearing, pursuant to chapter [170-03](http://apps.leg.wa.gov/wac/default.aspx?cite=170-03) WAC (DEL hearing rules) and RCW 43.215.307(3). Weight NA 14. The department may suspend or revoke a license if an early learning provider fails to pay a fine within 28 calendar days or becomes delinquent in making payments, pursuant to RCW 43.215.305 and .307. If a provider’s license is due for annual compliance, the department may elect not to continue the license for failure to pay a fine. Weight NA |  |  | |
| The Washington state legislature granted the Department of Early Learning (DEL) the authority “to safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care.” RCW 43.215.005(4)(c). As part of this responsibility, DEL must “administer child care and early learning programs.” RCW 43.215.005(4)(d). Accordingly, DEL administers these programs by creating and enforcing rules that protect and promote the health and safety of enrolled children. These rules encourage compliance and, when an early learning provider fails to comply, they also outline penalties (or “actions”) the department can take to encourage providers to come into compliance.  In this section, DEL reorganizes currently enacted WACs that identify and enumerate the enforcement actions DEL may take (deny, suspend, modify, or revoke an early learning license; or civil penalties). This section details the procedures DEL must follow including issuing a notice of violation to the provider, the highest amount a center or family home early learning provider can be charged when fined, and how the provider can appeal an enforcement action via a hearing process. These provisions help DEL achieve its goal of protecting and promoting the health and safety of enrolled children by utilizing enforcement actions to encourage compliance with licensing regulations. | | | | | | |

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| **Records, Policies, Reporting and Posting – Parent or guardian handbook** | | | | |
| **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-2375 Parent/guardian policies (handbook)  The licensee’s written parent/guardian policies (handbook) must include:   1. Hours of operation including closures and vacations; 2. Information on how children’s records are kept current, including immunization records; 3. Enrollment and disenrollment process; 4. Parent/guardian access to their child during child care hours;   Program philosophy (the licensee’s view of child learning and development);   1. Typical daily schedule, including food and rest periods. See WAC 170-296A-6550; 2. Communication plan with parents including:   (a) How the parent or guardian may contact the licensee with questions or concerns; and (b) How he licensee will communicate the child’s progress with the parent or guardian at least twice a year; (c) How the licensee will support parents regarding parenting;   1. Written plan for any child’s specific needs if applicable. See WAC 170-296A-0050; 2. Fees and payment plans; 3. Religious activities and how the parent’s or guardians specific religious preferences are addresses; 4. How holidays are recognized in the program; 5. Confidentiality policy including when information may be shared. See WAC 170-296A-2025; 6. Items that the licensee requires the parent or guardian to provide; 7. Guidance and discipline policy. See WAC 170-296A-6050; 8. If applicable, infant/toddler care including infant safe sleep practices, feeding, diapering and toilet training; 9. Reporting suspected child abuse or neglect. See WAC 170-296A-6275; 10. Food service practices. See WAC 170-296A-7125 through WAC 170-296A-7200 and 170-296A-7500 through 170-296A-7650; 11. Off-site field trips requirements. See WAC 170-296A-2450; 12. Transportation requirements. See WAC 170-296A-6475; 13. Staffing plan. See WAC 170-296A-5600 and 170-296A-5775; 14. Access to licensee’s and staff training and professional development records; 15. Pet policies. See WAC 170-296A-4800; 16. Health care and emergency preparedness policies including; (a)Emergency preparedness and evacuation plans. See WAC 170-296A-2825;   (b) Injury or medical emergency response and reporting . See WAC 170-296A-3575, 170-296A-3600 and 170-296A-2275;  (c)Medication management including storage and giving medications. See WAC 170-296A-3325; (d) Exclusion/removal policy of ill persons. See WAC 170-296A-3210; (e) Reporting of notifiable conditions to public health; (f) Immunization tracking. See WAC 170-296A-3250; and (g) Infection control methods, including:  (i) Handwashing (WAC 170-296A-3625) and, if applicable, hand sanitizers (WAC 170-296A-3650;   (ii) Cleaning and sanitizing, or cleaning and disinfecting procedures including the methods and products used. See WAC 170-296A-3850 through 170-296A-3925 and definitions in WAC 170-296A-0010;   1. Napping/sleeping; 2. No smoking policy consistent with WAC 170-296A-4050; 3. Drug and alcohol policy consistent with WAC 170-296A-4025; 4. If applicable, guns and weapons storage. See WAC 170-296A-4725; and 5. If applicable, overnight care requirements. See WAC 170-296A-6850. | WAC 170-295-2080 What must I communicate to parents?   1. You must have written documentation signed by the parent in each child’s file that you have: (a) Explained to the parent the centers policies and procedures; (b) Discussed the centers philosophy, program and facilities; (c) Advised the parent of the child’s progress and issues relating to the child’s care and individual practices concerning the child’s special needs; and (d) Encouraged parent participation in center activities. 2. You must also give the parent the following written policy and procedure information: (a) Enrollment and admission requirements; (b) The fee and payment plan; (c) A typical activity schedule, including hours of operation; (d) Meals and snacks served, including guidelines on food brought from the child’s home; (e) Permission for free access by the child’s parent to all center areas used by the child; (f) Signing in and signing out requirements; (g) Child abuse reporting law requirements; (h) Behavior management and discipline; (i) Nondiscrimination statement; (j) Religious and cultural activities, if any; (k) Transportation and field trip arrangements; (l) Practices concerning an ill child; (m) Medication management;  (n) Medical emergencies; (o) Disaster preparedness plans; and (p) If licensed for the care of an infant or toddler;   (i) Diapering;  (ii) Toilet training; and  (iii) Feeding. | **170-300-0450**  **Parent or guardian handbook.**  An early learning provider must provide to each parent or guardian written policies regarding the early learning program implementation. Each enrolled child’s file must have signed documentation stating the parent or guardian reviewed these policies. Weight #4     1. An early learning provider must have and follow written policies, including: 2. A non-discrimination statement. 3. A family engagement and partnership communication plan including:   (i) How the parent or guardian may contact the provider with questions or concerns.  (ii) How the provider will communicate with the parent or guardian about their child’s progress or concerns regarding their child at least twice per year.  (iii) How the provider will work with the parent to support the child’s development including developmental screening resources.  (iv) How children’s individual needs will be met if the Licensee is absent.  (v) Parent or guardian’s permission for photography, videotaping, or surveillance of his or her child.   1. Food service practices including guidelines for food brought from home. 2. No smoking, vaping, alcohol use or illegal drug use permitted on the premises for center based care. 3. No smoking, vaping or alcohol use permitted on the premises in licensed space during child care hours in family homes. 4. No illegal drug use permitted on the premises for family home based care. 5. Infection control methods, including:    1. Handwashing and hand sanitizers; and    2. Cleaning and sanitizing, or cleaning and disinfecting procedures including the methods and products used. 6. Medical plan, including: 7. When a child is too ill to be at the early learning program; 8. What occurs if a child becomes sick at the early learning program; 9. Medication management including storage and documenting when medication is given; 10. Notice if medication administration is not offered at the early learning program. 11. Injury or medical emergency response and reporting. 12. Excluding from the program or separating a child with a contagious disease from other children.   (i) Infant and toddler care, covering:  (i) Diapering procedures;  (ii) Feeding procedures;  (iii) Toilet training procedures; and  (iv) Child sleep pattern procedures.   1. Program philosophy on how children learn, develop and how this philosophy is implemented in the early learning program. 2. Child guidance plan, including restraint policy and forbidding corporal punishment in the early learning program. 3. Expulsion policy and procedures. 4. Early learning program staff-to-child ratio and assigned classroom, if applicable. 5. If the early learning program provides the following, they must include a policy for each that applies to their program: 6. Care for children with specific or special needs, agreed to and signed by parent or guardian; 7. Caring for and teaching dual language learners; 8. Religious and cultural activities and how holidays will be celebrated in the program; 9. Transportation and off site field trips; 10. Pets and animals; 11. The potential health risks of pets and animals; 12. Water activities; 13. Overnight care; and 14. How weapons on the premises are secured. 15. For infant care, safe sleep guidelines and requirements. 16. Program hours of operation to include closure dates and holiday observances. 17. Enrollment and termination requirements. 18. Fee and payment plan. 19. Sign in and sign out requirements. 20. Information required for the child’s file including:   (i) The importance and plan for keeping the information current; (ii) Plan to keep the child’s information confidential; and (iii) Who may legally access the child’s information.  (u) Child’s kindergarten transition plan, if applicable.   1. What parent’s must supply for their child. For example, extra clothing or diapers. 2. Permission for parent’s free access to all areas of the early learning program during business hours. 3. Termination of services policy and procedures. 4. Emergency preparedness plan including:   (i) Where the provider will take children if required to evacuate and how the parent’s will be able to make contact; and  (ii) Steps the provider will take if an emergency prevents the parents from getting to the early learning program.   1. The provider’s duty to protect children and report incidents. 2. Suspected child abuse, neglect, sexual abuse, or maltreatment reporting requirements for all staff and volunteers. 3. Description of where the parent may find and review the early learning program’s:   (i) Emergency preparedness plan;  (ii) Health policy; and  (iii) Staff policies, if applicable.   1. Consistent care policy. 2. Pesticide policy. 3. Menus. Weight #5 |  |  | |
| **Justification:**  This regulation makes several proposed revisions concerning communication about and the content of the parent/guardian handbook. This regulation proposes that documentation be maintained to show that the parent/guardian review the content of the handbook. *Caring for Our Children, 3rd Edition,* at 9.2.1.3, states “Parents/guardians …. should sign that they have reviewed and accepted this statement of services, policies, and procedures;” the proposed WAC make this policy. There are six proposed content revisions to the parent/guardian handbook including expulsion policy and procedures; early learning program staff-to-child ratio and assigned classroom, if applicable; caring for and teaching dual language learners, as applicable; child’s kindergarten transition plan, as applicable; termination of services policy and procedure; and consistent care policy. Several of these are included as part of Caring for Our Children, 3rd Edition, at 9.2.1.3 including early learning program staff-to-child ratio and termination of services policy. In STANDARD 2.2.0.8: Preventing Expulsions, Suspensions, and Other Limitations in Services *Caring for Our Children, 3rd Edition,* in addressing these issues, is explicit about the need to communicate to families about these policies: “These policies should be in writing and clearly articulated and communicated to parents/guardians, staff and others.” Information about policies for those serving dual language learners are proposed as part of the handbook. DEL’s approach is also informed by the recent document, issued by the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES And U.S. DEPARTMENT OF EDUCATION, POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY CHILDHOOD SETTINGS, <https://www.acf.hhs.gov/sites/default/files/ecd/expulsion_ps_numbered.pdf>, that explains the importance of this issue and the need for articulation of policy and approach.  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. Additionally, this revision also incorporates this vital feedback from community and stakeholders to ensure that actions involving expulsion are developmentally appropriate, taking into consideration children with special needs, culturally relevant for the specific child, community resource sharing to families and language clarification regarding termination of services compared to expulsion.  DEL has made a strong commitment to equity in general, to recognizing the diversity of Washington state’s early childhood population as well as the teachers who serve them, and to assuring that children who are dual language learners are well served. As part of DEL’s priority on dual learners, it is appropriate that parents know about the early learning program’s policies and approach in this area. Kindergarten transition is also proposed to be added to the parent/guardian handbook. *Caring for Our Children, 3rd Edition,* 9.2.2.1 provides recommendations for addressing transition, noting the particular importance of kindergarten transition. Given the critical nature of this process, and the overall emphasis on transition as part of the state’s WAKids work, ensuring that parents/guardians have information about the kindergarten transition approach is essential. Consistent care is highlighted as an important child development practice in *Caring for Our Children, 3rd Edition*, see for example, 2.1.2 Program Activities for Infants and Toddlers from Three Months to Less Than Thirty-Six Months. Information about the early learning provider’s approach to this issue should be clearly stated and communicated to parents. Additionally, the proposed standards also glean from valuable principles in the Washington State Early Learning and Development Guidelines which emphasize the importance of the sharing of information between parents and the early learning provider to increase the support structure around the child for their success. | | | | | | |

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| **Records, Policies, Reporting and Posting – Attendance 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-2125 Child attendance records – Staff to child ratio records.  The licensee must also keep records of:   1. Daily attendance for each child counted in capacity that includes the:   (a) Child’s date of attendance; (b) Time the child arrives or returns to the child care, including signature of the person authorized by the child’s parent or guardian to sign the child in; and (c) Time the child leaves from the licensee’s care including signature of the person authorized by the child’s parent or guardian to sign the child out; and   1. Names of staff being counted to meet the daily staff-to-child requirements. 2. Electronic attendance records if the child’s attendance is recorded using an electronic system under WAC 170-296A-2126   WAC 170-296A-2126;  Electronic attendance records – Records retention   1. Licensees may use an electronic system to record attendance in lieu of a paper sign-in record. 2. If an electronic system is used to record attendance, it must record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent or designee when signing the child in and out of the licensee’s care. 3. The electronic system selected must ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against repudiation of the electronic records, and must be able to:   (a) Produce an authentic, verifiable written record for each transaction upon demand that complies with all legal and other requirements regarding the record’s structure, content, and time of creation or receipt;  (b) Authenticate (prove the identity of) the sender of the record and ensure that the electronic record has not been altered; (c) Uniquely identify each record; (d) Capture an electronic record for each transaction conducted; (e) Maintain the integrity of electronic records as captured or created so that they can be accessed, displayed, and managed as a unit; (f) Retain electronic records in an accessible form for their legal minimum retention period; (g) Search and retrieve electronic records in the normal course of business throughout their entire legal minimum retention period; (h) Produce authentic copies of electronic records and supply them in useable formats including hard copies, for business purposes and all public access purposes; (i) Develop an approach to maintain the authenticity and integrity of electronically signed electronic records; (j) Ensure that the electronic system performs in an accurate, reliable, and consistent manner in the normal course of business; and (k) Limit system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.   1. Electronic attendance records must contain all of the information necessary to reproduce the entire electronic record and associated signatures in a form that permits: (a) The contents of the electronic record; (b) The method used to sign the electronic record, if applicable; (c) The person signing the electronic record; and (d) The date when the signature was executed. 2. As used in this section: “Electronic record” means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.   “Electronic signature” means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature. An electronic signature is a paperless way to sign a document using an electronic sound, symbol, or process, attaching to or logically associated with a record and executed or adopted by a person with the intent to sign the record.  “Sign” includes signing by physical signature, if available, or electronic signature. | WAC 170-295-7030  Attendance Records  Licensees must keep daily attendance records.   1. The parent or other person authorized by the parent to take the child to or from the center must: (a) sign in the child on arrival and sign out the child at departure, using their full signature and writing the time of arrival and departure; or (b) Record the child’s attendance using an electronic system if used by the licensee under WAC 170-295-7032;   When the child leaves the center to attend school or participate in offsite activities as authorized by the parent, the licensee or staff must sign out the child, and sign in the child on return to the center; and   1. Paper and electronic attendance records and invoices for state subsidized children must be kept on the premises for at least five years after the child leaves the licensee’s care as provided in WAC 170-295-7031.   WAC 170-295-7032 Electronic attendance records – Records retention   1. Licensees may use an electronic system to record attendance in lieu of a paper sign-in record. 2. If an electronic system is used to record attendance, it must record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent or designee when signing the child in and out of the licensee’s care. 3. The electronic system selected must ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against repudiation of the electronic records, and must be able to:   (a) Produce an authentic, verifiable written record for each transaction upon demand that complies with all legal and other requirements regarding the record’s structure, content, and time of creation or receipt;  (b) Authenticate (prove the identity of) the sender of the record and ensure that the electronic record has not been altered; (c) Uniquely identify each record; (d) Capture an electronic record for each transaction conducted; (e) Maintain the integrity of electronic records as captured or created so that they can be accessed, displayed, and managed as a unit; (f) Retain electronic records in an accessible form for their legal minimum retention period; (g) Search and retrieve electronic records in the normal course of business throughout their entire legal minimum retention period; (h) Produce authentic copies of electronic records and supply them in useable formats including hard copies, for business purposes and all public access purposes; (i) Develop an approach to maintain the authenticity and integrity of electronically signed electronic records; (j) Ensure that the electronic system performs in an accurate, reliable, and consistent manner in the normal course of business; and (k) Limit system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.   1. Electronic attendance records must contain all of the information necessary to reproduce the entire electronic record and associated signatures in a form that permits: (a) The contents of the electronic record; (b) The method used to sign the electronic record, if applicable; (c) The person signing the electronic record; and (d) The date when the signature was executed.   As used in this section:  “Electronic record” means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.  “Electronic signature” means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature. An electronic signature is a paperless way to sign a document using an electronic sound, symbol, or process, attaching to or logically associated with a record and executed or adopted by a person with the intent to sign the record.  “Sign” includes signing by physical signature, if available, or electronic signature.  Center 170-295-2020 How long can a child be at the center?  The child may remain in care a maximum of ten hours or less each day. If needed, you may extend the time based upon the parent’s typical work schedule and travel from and to the center. | **170-300-0455**  **Attendance records.**   1. An early learning provider may keep a child in care up to a maximum of ten hours each day. If needed, the maximum time may be extended based upon the parent or guardian’s typical work, an agreed upon alternate schedule, or travel to and from the early learning program. Weight #1 2. An early learning provider must keep daily attendance records, either in paper or electronic format, for each child (including the children of staff in the program). These records must be available for department review at all times and must clearly document:   (a) The name of the child;  (b) The date of care;  (c) Child arrival and departure times from the early learning program;  (d) Signature of parent or other authorized person at time of arrival and departure; and  (e) Time of departure and return to the early learning program, and a staff signature, when the child leaves the early learning program to attend school or participate in offsite activities authorized by the parent or other authorized person. Weight #5  (3) An early learning provider must keep daily attendance records on paper or in an electronic format. The attendance record must list the specific staff, staff assigned to care for children with special needs or circumstances one-on-one, and volunteers who count in staff-to-child ratio. The attendance record must clearly document:  (a) The name of staff, one-on-one care staff, or volunteer;  (b) The number of children in classrooms and staff-to-child ratio, if applicable;  (c) The date; and  (d) Start and end times of assigned staff. Weight #1  (4) If the attendance records are kept electronically, the electronic system must:  (a) Record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent or authorized person when signing the child in or out of care;  (b) Ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against disproof of the electronic records;  (c) Be able to produce an authentic, verifiable and uniquely identified written record for each transaction;  (d) Be able to authenticate (prove the identity of) the sender of the record and ensure that the electronic record has not been altered;  (e) Be able to capture an electronic record for each transaction conducted;  (f) Be able to retain the electronic record in an accessible form for their legal minimum retention period;  (g) Be able to search and retrieve electronic records in the normal course of business; and  (h) Be able to perform in an accurate, reliable, and consistent manner in the normal course of business. Weight #1  (5) Electronic attendance records must contain information necessary to reproduce the entire electronic record and associated signatures in a form that permits a person viewing or printing the entire electronic record to verify:  (a) The contents of the electronic record.  (b) The method used to sign the electronic record.  (c) The person signing the electronic record.  (d) The date signatures were executed. Weight #1  (6) An early learning provider must be in compliance with attendance record requirements of WAC 170-290. Weight #1 |  |  | |
| **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. | | | | | | |

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| **Records, Policies, Reporting and Posting – Child 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-2025  Child records—Confidentiality.  (1) The licensee must maintain records for all children in a confidential manner.  (2) Each enrolled child's health record must be available to staff when needed for medical administration or emergencies.  (3) A child's parent or guardian must be allowed access to all records for their child.  WAC 170-296A-2050  Child records—Contents.  (1) The licensee must have an enrollment record for every child who is enrolled and counted in capacity. Each child's enrollment record must include the following:  (a) Beginning enrollment date;  (b) End of enrollment date for children no longer in the licensee's care;  (c) The child's birth date;  (d)(i) The child's current immunization record, on a DOH child immunization status form or comparable form completed by a health care professional; or  (ii) A medical exemption form signed by a health care professional; or  (iii) A religious, philosophical, or personal exemption form or similar statement signed by the child's parent or guardian.  (e) The child's known allergies;  (f) Names of persons authorized to pick up the child;  (g) Emergency contacts. If no emergency contact is available, a written emergency contact plan may be accepted;  (h) Parent or guardian information including name, phone numbers, home address, and other contact information for reaching the family while the child is in care;  (i) Medical and dental care provider names and contact information, if the child has providers. If the child has no medical or dental provider, the licensee and parent or guardian must have a written plan for medical or dental injury or incident; and  (j) Consent to seek medical care and treatment of minor child in the event of injury or illness, signed by the child's parent or guardian.  (2) If applicable, a child's records must include:  (a) Injury/incident reports (see WAC [170-296A-3575](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-3575) and [170-296A-3600](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-3600));  (b) Medication authorization and administration log (see WAC [170-296A-3375](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-3375));  (c) Plan for special or individual needs of the child (see WAC [170-296A-0050](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-0050)); or  (d) Documentation of use of physical restraint (see WAC [170-296A-6250](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-6250)).  (3) The child's records must include signed parent permissions (see WAC [170-296A-6400](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-6400)) as applicable for:  (a) Field trips;  (b) Picture taking;  (c) Transportation; and  (d) Visiting health professionals providing services to the child at the family home child care. | WAC 170-295-7010  Information to be kept in the child's individual file.  (1) Licensees must keep current organized confidential records and information about each child in care on the premises as provided in WAC [170-295-7031](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295-7031), and must make sure that each child's record contains, at a minimum:  (a) Completed enrollment application signed by the parent;  (b) Name, birth date, dates of enrollment and termination, and other identifying information;  (c) Name, address, and home and business telephone number of the parent and other person to be contacted in case of an emergency;  (d) Health history;  (e) Individual plan of care when needed for chronic health conditions and life threatening medical conditions;  (f) Written consent from the parent for the licensee to seek and approve medical care in an emergency situation, a court order waiving the right of informed consent, or the parent's alternate plans for emergency medical and surgical care if the parent cannot be reached;  (g) Information on how to contact the parents, especially in emergencies;  (h) Instructions from the parent or health care providers related to medications, specific food or feeding requirements, allergies, treatments, and special equipment or health care needs if necessary;  (i) Written records of any illness or injury that occurs during child care hours and the treatment provided; and  (j) Written records of any medications given while the child is at child care.  (2) Licensees must include the following authorizations in each child's record:  (a) Name, address, and telephone number of the person authorized to remove the child from the center;  (b) Written parental consent for transportation to and from school; and  (c) Written parental consent for transportation provided by the center to and from field trips, including field trip location, date of trip, departure and arrival times and any other additional information on which the parent may need to be advised.  (3) Licensees may use any health history form that the licensee chooses as long as it includes:  (a) The date of the child's last physical exam or the date the child was last seen by a health care provider for reasons other than immunizations;  (b) Allergies, expected symptoms, and method of treatment if necessary;  (c) Health and developmental concerns or issues;  (d) Any life threatening medical condition that requires an individual health plan;  (e) A list of current medications used by the child;  (f) Name, address, and phone number of the child's health care provider; and  (g) Name, address, and phone number of the child's dentist, if the child has a dentist.  (4) The individual records, including the certificate of immunization status, must be kept on the premises:  (a) For each child currently in care; and  (b) For five years after the child leaves enrollment in the licensee's care. | **170-300-0460**  **Child records.**  (1) An early learning provider must keep current individualized enrollment and health records for all children. A child’s records must be kept in a confidential manner in licensed space, and accessible in an emergency. A child's parent or guardian must be allowed access to all records for his or her own child. Weight #5  (2) Each child's enrollment and health record must be available to staff when needed for medical administration or emergencies. Weight #7  (3) An enrollment record is required for every child who is enrolled and counted in an early learning program’s capacity including children of early learning providers in family home early learning programs. Weight #5  (4) Each child's enrollment record must include the following:  (a) The beginning and end enrollment date for children no longer in the early learning program’s care;  (b) The child's birth date;  (c) An enrolled child’s parent or guardian information including name, phone numbers, address, and contact information for reaching the family while the child is in care;  (d) Names, phone numbers, and addresses of persons authorized to pick up enrolled children;  (e) Emergency contacts. If no emergency contact is available, a written and signed emergency contact plan may be accepted;  (f) A plan for special or individual needs of the child, including parent or guardian signature, pursuant to WAC 170-300-0300;  (g) Signed parent or guardian permissions, pursuant to WAC 170-300-0450 as applicable for:  (i) Field trips;  (ii) Transportation;  (iii) Bathing;  (iv) Water activities including swimming pools or other outdoor bodies of water; and  (v) Photo, video, or surveillance activity. Weight #6  (5) A health record is required for every child who is enrolled and counted in an early learning program’s capacity and must include:  (a) An immunization record, pursuant to WAC 170-300-0210(1).  (b) The child's health history including any known health conditions and the child’s Individual Care Plan;  (c) A medication authorization and administration log, pursuant to WAC 170-300-0215, if applicable;  (d) Documentation of special medical procedure training by parent or guardian, if applicable;  (e) Medical and dental care provider names and contact information if the child has providers. If the child has no medical or dental provider, the parent or guardian must provide a written plan for medical or dental injury or incident;  (f) Dates of the child’s last annual physical exam and dental exam;  (g) Consent to seek medical care and treatment of the child in the event of injury or illness, signed by the child's parent or guardian;  (h) Signed parent or guardian permission for visiting health professionals providing services to the child at the early learning program;  (i) An illness, incident, or injury report that includes:  (i) The date of the child’s illness, incident, or injury;  (ii) Treatment provided to the child while in care;  (iii) The names of the early learning program staff providing the treatment; and  (iv) Evidence that a copy of the illness, incident, or injury report was supplied to the child’s parent or guardian. Weight #6  (6) An early learning provider must provide a copy of the parent handbook to the parent or guardian of each enrolled children. The provider must document the parent or guardians’ receipt of the parent handbook and keep this documentation in each child’s file along with the following, if applicable:  (a) A parent or guardian approved plan for use of physical restraint and evidence of parental notification, pursuant to WAC 170-300-0490;  (b) Any expulsion information, documentation, and steps taken to avoid expulsion;  (c) Termination of services documentation and communication; and  d) Notification of child developmental screening information given to the child’s parent or guardian. Weight #5 |  |  | |
| **Justification:**  Proposed for 170-300-0460 are revisions of the following information in the child’s file: date of child’s last physical and dental exam; information on expulsion, including steps to avoid expulsion; termination of services documentation and communication; and notification that child development screening information has been provided. *Caring for Our Children, 3rd Edition*, STANDARD 9.4.2.1 includes not only the dates of these records, but also the assessment itself. DEL has a commitment to the dental health of children, and has specified that dates of dental visits be included as a way of underscoring the importance of regular dental services and their vital role in health protection and promotion for young children. Likewise, DEL is committed, as part of its overall support for sound child development as well as its equity approach, to taking steps to avoid expulsion. This proposed regulation requires that information about prevention steps are taken if a child is at risk for expulsion, and that documentation is kept if a child is expelled. The documentation approach is consistent with the policy statement of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES and U.S. DEPARTMENT OF EDUCATION, POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY  CHILDHOOD SETTINGS, <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>.  Finally, the proposed regulation includes documentation of the information on child developmental screening that is given to the family. This allows for documentation of the proposed WAC 170-300-0055 in which early learning providers will provide families with information about the importance of developmental screening, and will share information with them about where screening is available.  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. Additionally, this revision also incorporates this vital feedback from community and stakeholders to ensure that actions involving expulsion are developmentally appropriate, taking into consideration children with special needs, culturally relevant for the specific child, community resource sharing to families and language clarification regarding termination of services compared to expulsion. | | | | |

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| **Records, Policies, Reporting and Posting – Retaining facility and program 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-2000  Recordkeeping—Records available to the department.  The licensee must keep all records required in this chapter for a minimum of five years:  (1) Current records, including records from the previous twelve months, must be kept in the licensed space as defined in WAC [170-296A-0010](http://apps.leg.wa.gov/wac/default.aspx?cite=170-296A-0010) and be available for the department's review.  (2) Records older than twelve months to five years old must be provided to the department within two weeks of the date of the department's written request. | WAC 170-295-7031  Recordkeeping—Records available to the department.  The licensee must keep all records required in this chapter for a minimum of five years:  (1) Current records (including records from the previous twelve months) must be kept in the licensed space and be available for the department's review.  (2) Records older than twelve months to five years old must be provided to the department within two weeks of the date of the department's written request. | | **Adopted Permanent Rule**  **170-300-0465**  **Retaining facility and program records.**   1. An early learning provider must keep all records required in this chapter for a minimum of five years unless otherwise indicated. Weight #1 2. All records from the previous twelve months must be kept in the licensed space and be immediately available for the department or other state agency's review. Immediately accessible records include: 3. Child records; 4. Staff records; and 5. Attendance records. Weight #4   (3) Records older than twelve months must be provided within two weeks of a written request by the department. Weight #1  (4) An early learning provider must keep the following records available for department review:   1. A non-discrimination policy; 2. Strengthening Families Program Self-Assessment, or an equivalent assessment; 3. Furniture, sleep, and play equipment forms and specifications; 4. Chromated copper arsenate test results, if applicable; 5. Annual fire inspection by qualified fire professional; 6. Annual inspection of chimney, wood stove and fireplace; 7. Monthly inspection to identify fire hazards and elimination of such hazards; 8. Monthly testing of smoke and carbon monoxide detectors; 9. Monthly fire extinguisher inspection and annual maintenance; 10. Menus (six months) pursuant to CACFP; 11. Food temperature logs pursuant to CACFP; 12. Child incident and illness logs; 13. Medication administration logs; 14. Vaccination records for pets or animals housed at the early learning program; 15. Lead and copper testing results; 16. Private well and septic systems inspection and testing results, if applicable; 17. Center or family home cleaning schedule; 18. Alternative cleaning, sanitizing, and disinfecting products; 19. Cleaning log for large area rugs or carpets; 20. Pesticide use (seven years); 21. Monthly site visit from nurse consultant, if applicable; 22. Tacoma smelter inspection results, if applicable; 23. Restraint and expulsion policy; 24. Daily schedule; 25. Curriculum planning time; 26. Parent or guardian handbook; 27. Documents from department visits (inspections, monitoring, compliance agreements, and safety plans); 28. Waivers or variances from department rules, if applicable; 29. Written emergency preparedness plan and drills; 30. Transportation policy; 31. Car insurance policy; 32. Termination of services policy; 33. Consistent care policy; and 34. Health policy. Weight #1 | |  |  | |
| **Justification:** The proposed revisions to records that are available for review by the Department covers items that are new to licensing regulation, such as the Strengthening Families assessment at WAC 170-300-0080 or opportunity for variance (see WAC 170-300-0436) or consistent care policy (see WAC 170-300-0495).  This proposed regulation related to curriculum planning time, or the restraint and expulsion policy, to clarify the availability of these records for Departmental review. Specifying that records be kept regarding items such as the cleaning schedule is in keeping with *Caring for Our Children, 3rd Edition. STANDARD 5.7.0.5: Cleaning Schedule for Exterior Areas* requires a cleaning schedule for exterior areas, which is necessary for health and safety reasons. Maintaining records of these policies facilitates an opportunity for early learning providers to easily find and use them, communicate with parents and guardians and for departmental staff to monitor them.  DEL’s approach is also informed by the recent document, issued by the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES And U.S. DEPARTMENT OF EDUCATION, POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY CHILDHOOD SETTINGS, <https://www.acf.hhs.gov/sites/default/files/ecd/expulsion_ps_numbered.pdf>, that explains the importance of this issue and the need for articulation of policy and approach.  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. Additionally, this revision also incorporates this vital feedback from community and stakeholders to ensure that actions involving expulsion are developmentally appropriate, taking into consideration children with special needs, culturally relevant for the specific child, community resource sharing to families and language clarification regarding termination of services compared to expulsion. | | | | | | |

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| **Records, Policies, Reporting and Posting – Emergency preparedness plan** | | | | | |
| **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-2825 Fire evacuation plan.  (1) If there is a fire in the home during child care operating hours, the licensee's and staff's first responsibility is to evacuate the children in care to a safe place outside the home.  (2) The licensee must develop a written fire evacuation plan and post it at a place that is clearly visible to the staff, parents and guardians. The evacuation plan must be evaluated annually and updated as needed.  (3) The evacuation plan must include:  (a) An evacuation floor plan that identifies emergency exit pathways, emergency exit doors, and emergency exit windows;  (b) Method(s) to be used for sounding an alarm;  (c) Actions to be taken by the person discovering the fire;  (d) How the licensee and staff will evacuate all children, especially children who cannot walk;  (e) Calling 911 after evacuating the children;  (f) How the licensee and staff will account for all of the children in attendance;  (g) Where children and staff will gather away from the building pending arrival of the fire department or emergency response; and  (h) How the licensee will inform parents or guardians and arrange pick up of children if needed.  WAC 170-296A-2850  (1) The licensee must have a written disaster plan for emergencies other than fire. The plan must be reviewed annually and updated as needed.  (2) The written disaster plan must cover at minimum the following:  (a) For disasters that may require evacuation:  (i) How the licensee and staff will evacuate all children, especially those who cannot walk.  (ii) What to take when evacuating the children, including:  (A) First aid kit;  (B) Child medication records; and  (C) If applicable, individual children's medication;  (iii) Where to go; and  (iv) How the licensee and staff will account for all of the children in attendance.  (b) Earthquake procedures including:  (i) What the licensee and staff will do during an earthquake;  (ii) How the licensee and staff will account for all of the children in attendance; and  (iii) After an earthquake, how the licensee will assess whether the licensed space is safe for the children;  (c) Lockdown of the facility or shelter-in-place, including:  (i) How doors and windows will be secured if needed; and  (ii) Where children will stay safely inside the facility; and  (d) How parents and guardians will be contacted after the emergency situation is over.  (3) The licensee must keep on the premises a three-day supply of food, water, and medications required by individual children for use in a disaster, lockdown, or shelter-in-place incident.  (4) As used in this section, "lockdown" or "shelter-in-place" means to remain inside the family home child care when police or an official emergency response agency notifies the licensee or primary staff person in charge that it is unsafe to leave the facility or be outdoors during an emergency situation.  WAC 170-296A-2900 Emergency drills.  The licensee and staff must practice emergency drills with the children as follows:  (1) Fire/evacuation drill: Once each calendar month;  (2) Earthquake drill: Once every three calendar months; and  (3) Lockdown/shelter-in-place drill: Once annually.  WAC 170-296A-2925 Record of emergency drills.  The licensee must keep records of emergency drills performed, and post the records as required in WAC [170-296A-2175](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-2175). Records must include:  (1) The date and time the drill took place;  (2) Staff who participated;  (3) Number of children who participated;  (4) Length of drill; and  (5) Notes about how the drill went and improvements, if any, that need to be made. | WAC 170-295-5030  What do I need to include in my disaster plan?  (1) You must develop and implement a disaster plan designed for response to fire, natural disasters and other emergencies. The plan must address what you are going to do if there is a disaster and parents are not able to get to their children for two or three days.  (2) The fire plan must follow the requirements in chapter [212-12](http://apps.leg.wa.gov/WAC/default.aspx?cite=212-12) WAC or the state fire marshal requirements.  (3) In areas where local emergency plans are in place, such as school district emergency plan, centers may follow those procedures and actions in developing their own plan.  (4) The disaster plan must be:  (a) Specific to the child care center;  (b) Relevant to the types of disasters that might occur in the location of your child care center;  (c) Able to be implemented during hours of operation; and  (d) Posted in every classroom for easy access by parents and staff.  (5) Your disaster plan must identify:  (a) The designated position of the person (example: Director, lead teacher, program supervisor, etc.) who is responsible for each part of the plan;  (b) Procedures for accounting for all children and staff during and after the emergency;  (c) How you evacuate the premises, if necessary, and the meeting location after evacuation;  (d) How you care for children with special needs during and after the disaster;  (e) How you provide for children until parents are able to pick them up;  (f) How you contact parents or how parents can contact the child care center; and  (g) Transportation arrangements, if necessary.  (6) Your written records must include a disaster plan, with signatures and dates of persons completing the disaster plan review on-site. The disaster plan must be read, reviewed and signed by:  (a) The director and staff annually; and  (b) Parents when children are enrolled.  (7) In addition to the requirements for fire drills and training set forth by the state fire marshal in chapter [212-12](http://apps.leg.wa.gov/WAC/default.aspx?cite=212-12) WAC, you must:  (a) Document staff education and training of the disaster plan;  (b) Conduct and document quarterly disaster drills for children and staff (you do not have to conduct a drill quarterly for each potential disaster - just one drill per quarter);  (c) Keep written documentation of the drills on-site; and  (d) Debrief and evaluate the plan in writing after each disaster incident or drill.  (8) You must keep the twelve month record indicating the date and time you conducted the required monthly fire evacuation drills on-site for the current year plus the previous calendar year. | **170-300-0470**  **Emergency preparedness plan.**   1. An early learning provider must have and follow a written emergency preparedness plan. The plan must be reviewed and approved by the department prior when changes are made. Emergency preparedness plans must: 2. Be designed for response to fire, natural disasters, and other emergencies relevant to disasters that might occur in the location of the early learning program. 3. Be specific to the early learning program and able to be implemented during hours of operation. 4. Address what the provider would do if he or she has an emergency and children are potentially left unsupervised. 5. Address what the early learning program must do if parents are not able to get to their children for up to three days. 6. Follow requirements in chapter 212-12 WAC (Fire Marshal Standards) and the State Fire Marshal’s office requirements, if a center early learning program. 7. Be reviewed at program orientation, annually with all early learning program staff with documented signatures, and when the plan is updated. 8. Be reviewed with parents or guardians when a child is enrolled and when the plan is updated. 9. Be updated as needed by the provider and submitted to the department for approval. Weight #5   (2) The written emergency preparedness plan must cover at minimum:  (a) Disaster plans, including fires that may require evacuation:  (i) An evacuation floor plan that identifies room numbers or names of rooms, emergency exit pathways, emergency exit doors, and for family home based programs, emergency exit windows if applicable;  (ii) Methods to be used for sounding an alarm and calling 911;  (iii) Actions to be taken by a person discovering an emergency;  (iv) How the early learning provider will evacuate children, especially those who cannot walk independently. This must include infants in cribs with wheels (for center early learning programs), children with disabilities, functional needs requirements, or other special needs;  (v) Where the alternate evacuation location is;  (vi) What to take when evacuating children, including:  (A) First-aid kit(s);  (B) Copies of emergency contact information;  (C) Child medication records; and  (D) Individual children's medication, if applicable;  (vii) How the provider will maintain the required staff-to-child ratio and account for all children;  and  (viii) How children will be reunited with their parents or guardians after the event.  (b) Earthquake procedures including:  (i) What a provider will do during an earthquake;  (ii) How a provider will account for all children; and  (iii) How a provider will coordinate with local or state officials to determine if the licensed space is safe for children after an earthquake.  (c) Active shooter scenarios where an individual at or near an early learning program is harming or attempting to harm others with or without a weapon. This plan must include lockdown of the early learning program or shelter-in-place steps including:  (i) How doors and windows will be secured to prevent access, if needed; and  (ii) Where children will safely stay inside the early learning program; and  (d) How parents and guardians will be contacted after the emergency ends. Weight #5  (3) An early learning provider must keep on the premises a three day supply of food, water, and medication for the enrolled number of children and current staff for use in a disaster, lockdown, or shelter-in-place event. Weight #5  (4) An early learning provider must practice and record emergency drills with staff and children as follows:   1. Fire and evacuation drill: once each calendar month in compliance with WAC 170-300-0166; 2. Earthquake, lockdown, or shelter-in-place drill: once every three calendar months; 3. Emergency drills must be conducted with a variety of staff and at different times of the day including in the evening and overnight hours for early learning programs that care for children during those hours; and 4. Record of drills must be completed on a department form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>)and include:    * 1. The date and time of the drill;      2. The staff who participated;      3. The number of children who participated;      4. The length of the drill; and      5. Notes about how the drill went and how it could be improved. Weight #6   (5) In areas where local emergency plans are already in place, such as school districts, early learning programs may follow such procedures in developing their own plan. Weight NA |  |  | | |
| **Justification:**  There are two proposed modifications to the emergency preparedness plan. The first proposed revision is to specifically indicate how certain categories of children will be evacuated, i.e. infants in cribs, children with special needs, children with disabilities, functional needs requirements, or other special needs. The clarification being sought for this WAC follows the new implementing regulations of the federal Child Care and Development Block Grant of 2014, which includes a requirement to submit an emergency preparedness plan that includes “procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions.” 24 CFR Section 98.16(aa)(2)(iii)(A). New language is also proposed to address conducting emergency drills with a variety of staff and at different times that the provider is open and serving children. In the section of Caring for Our Children, 3rd Edition, that addresses emergency procedures (3.4.3 Emergency Procedures STANDARD 3.4.3.1: Emergency Procedures), it is noted that the staff should review and practice the emergency plan regularly. This is further reinforced in Standard 9.2.4.5 Disaster  Disaster Planning, Training and Communication/Emergency and Evacuation Drills, that states “The routine practice of such drills fosters a calm, competent response to a natural or human generated disaster when it occurs. The extensive turnover of both staff and children, in addition to the changing developmental abilities of the children to participant in evacuation procedures in child  care, necessitates frequent practice of the exercises.” Requiring drills at various times of the day and across the staff will enable safe evacuation if this becomes necessary. We note the following with regard to use of Caring for Our Children as the rationale for these changes. | | | | |

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| **Records, Policies, Reporting and Posting – Duty to protect children and report incidents** | | | | |
| **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-2200 Reporting incidents to 911 (emergency services)  The licensee or primary staff person must call 911 and report to emergency services the following:   1. A child missing from care, as soon as the license or staff realized the child is missing; 2. Medical emergency (injury or illness) that requires immediate professional medical care: 3. Giving a child too much of any oral, inhaled or injected medication, or a child taking or receiving another child’s medication; 4. Fire and other emergencies; 5. Poisoning or suspected poisoning; or 6. Other incidents requiring emergency response.   WAC 170-296A-2225 Reporting incidents to Washington poison center  The licensee or primary staff person must report to Washington poison center, after calling 911, and follow any instructions of the poison center:   1. Any poisoning or suspected poisoning; 2. A child receiving too much of any oral, inhaled or injected medication; or 3. A child taking or receiving another child’s medication. WAC 170-296A-2275 Other incident reporting to the department: 4. The licensee must report to the department any incidents or changes as required under WAC 170-296A-2200, or 170-296A-2225, 170-296A-2250, 170-296A-2300, and 170-296A-2325. 5. The licensee or another person must report to the department within twenty-four hours:   (a) The licensee’s emergency absence, serious illness or incapacity of the licensee, staff or member of the household, if the licensee:  (i) has a reasonable expectation the absence, illness, or incapacity will affect the licensee’s ability to provide child care; and  (ii) Is going to continue to provide care.  (b) For the licensee, staff, volunteer or household member age fourteen or older, any:  (i) Pending charge or conviction for a crime listed in WAC 170-06-0120;  (ii) Allegation or finding of child abuse or neglect under chapter 26.44 RCW or chapter 388-15 WAC;  (iii) Allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or  (iv) Pending charge, conviction, or negative action from outside Washington state consistent with or the same crime listed in WAC 170-06-0120, or “negative action” as defined in RCW 43.215.010  WAC 170-296A-2300 Reporting to DSHS children’s administration intake.   1. The licensee and each staff person are required to report the following to DSHS children’s administration intake-child protective services (CPS) or law enforcement within forty-eight hours as required under RCW 26.44.030, and to the department:   (a) Any suspected child abuse or neglect;  (b) A child’s disclosure of sexual or physical abuse;  (c) Inappropriate sexual contact between two or more children; or  (d) A child’s attempted suicide or talk about attempting suicide.   1. The licensee or primary staff person must immediately report to CPS or law enforcement and the department the death of a child while in the licensee’s care or from injury or illness that may have occurred while the child was in the licensee’s care.   WAC 170-296A-2325 Reporting notifiable condition to health department:   1. In the event a licensee, staff person, volunteer, household member, or child in care is diagnosed with a notifiable condition as defined in chapter 246-101 WAC, the licensee must report the diagnosis to the local health jurisdiction or the state department of health. 2. Contact the local health jurisdiction for the list of notifiable conditions and reporting requirements. 3. A person excluded from the family home by the health department or local health officer on the basis of such a diagnosis may not return to the family home until approved to do so by the local health officer | WAC 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 RCW. 2. You must immediately report an instance when you or the staff have reason to suspect that child physical, sexual, or emotional abuse, child neglect, or child exploitation as defined in chapter 26.44 RCW has occurred. This report must be made to children’s administration central intake. 3. If there is immediate danger to a child you must also make a report to local law enforcement.   WAC 170-295-7060 What injuries and illnesses or child abuse and neglect must I report?  You or your staff must report immediately;   1. A death or serious injury or illness that requires medical treatment or hospitalization of a child in care must be reported by telephone and in writing to the parent, licensor, and child’s social worker, if the child has a social worker; 2. Any instance when you or your staff have reason to suspect the occurrence of any physical, sexual, or emotional child abuse or child neglect child endangerment, or child exploitation as required under described in chapter 26.44 RCW. You may make a report by calling the statewide number at 1-800-562-5624 or 1-866-ENDHARM; and 3. An occurrence of food poisoning or reportable contagious disease, as required by the state board of health to the local public health department and to the licensor, by telephone. | **170-300-0475**  **Duty to protect children and report incidents.**   1. An early learning provider must protect enrolled children from child abuse, neglect, maltreatment, or exploitation as defined in chapter 26.44 RCW while in care. Weight #8      1. An early learning provider must report by phone the following to: 2. DSHS children’s administration intake (Child Protective Services) or law enforcement at the first opportunity, but in no case longer than 48 hours, pursuant to RCW 26.44.030 and .040, and to the department:   (i) The death of a child while in the early learning program’s care or the death from injury or illness that may have occurred while the child was in care;  (ii) A child’s attempted suicide or talk about attempting suicide;  (iii)Any suspected physical, sexual or emotional child abuse; (iv) Any suspected child neglect, child endangerment, or child exploitation; (v) A child’s disclosure of sexual or physical abuse; or (vi) Inappropriate sexual contact between two or more children.  (b) Emergency Services (911) immediately, and to the department within 24 hours:  (i) A child is missing from care, as soon as staff realize the child is missing; (ii) Medical emergency (injury or illness) that requires immediate professional medical care; (iii) A child is given too much of any oral, inhaled or injected medication, or a child took or received another child’s medication; (iv) Fire and other emergencies; (v) Poisoning or suspected poisoning; or  (vi) Other dangers or incidents requiring emergency response.   1. Washington Poison Center immediately after calling 911, and to the department within 24 hours:   (i) A poisoning or suspected poisoning;  (ii) A child was given too much of an oral, inhaled, or injected medication or a child has taken or received another child’s medication.  (iii) The provider must follow any directions provided by Washington Poison Center.   1. Local health jurisdiction or DOH immediately, and to the department within 24 hours:   (i) An occurrence of food poisoning or reportable contagious disease as defined in chapter 246-101 WAC;  (ii) A person excluded from the early learning program by the health department or local health officer on the basis of a diagnosis may not return to the early learning program until approved to do so by the local health officer.   1. The department at the first opportunity, but in no case longer than 24 hours, upon knowledge of any person required by chapter 170-06 WAC to have a change in their background check history due to:   (i) A pending charge or conviction for a crime listed in WAC 170-06;  (ii) An allegation or finding of child abuse, neglect, maltreatment or exploitation under chapter 26.44 RCW or chapter 388-15 WAC;  (iii) An allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or  (iv) A pending charge or conviction from outside Washington state consistent with or the same crime listed in the Director’s List in chapter 170-06 WAC, or “negative action” as defined in RCW 43.215.010   1. The department who the next responsible and qualified person is for the operation of the early learning program if the primary person has an emergency absence, serious illness, or incapacity. Weight #8     (3) In addition to reporting to the department by phone or e-mail within 24 hours, an early learning provider must also submit a written incident report on a department form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) within 48 hours for:  (a) Situations that required an emergency response from Emergency Services (911), Washington Poison Center, or DOH;  (b) Situations that occur while children are in care that may put children at risk including, but not limited to, inappropriate sexual touching, neglect, physical abuse, maltreatment, or exploitation; and  (c) A serious injury to a child in care. “Serious injury” means:  (i) Injuries resulting in overnight hospital stay;  (ii) Severe neck or head injury;   1. Choking/unexpected breathing problems; 2. Severe bleeding; 3. Shock or acute confused state; 4. Unconsciousness; 5. Chemicals in eyes, on skin, or ingested in the mouth; 6. Near-drowning; 7. Broken bone; 8. Severe burn requiring professional medical care; 9. Poisoning; and 10. Medication overdose. Weight #7 11. An early learning provider must immediately report to the parent or guardian of a child:     * + - 1. That child’s death, serious injury, need for emergency or poison services;           2. An incident involving that child which was reported to the local health district or DOH;           3. If the provider fails to give that child authorized medication; or           4. If that child has an allergic reaction, pursuant to WAC 170-300-0186. Weight #6 |  |  | |
| **Justification:**  *Caring for Our Children, 3rd Edition* provides guidance on the need for reports for situations including 4) In addition to reporting to the department by phone or e-mail as incidents occur, an early learning provider must also submit a written incident report within 48 hours for: a) Child maltreatment (physical, sexual, emotional, and neglect abuse); b) Bites that are continuous in nature, break the skin, left a mark, and cause significant pain; Falls, burns, broken limbs, tooth loss, other injury; d) Motor vehicle injury; e) Aggressive/unusual behavior; f) Ingestion of non-food substances; g) Medication error; h) Blows to the head; and i) Death. Standard 9.4.1.9: Records of Injury. This standard states that it is up to each state to determine whether reports should be submitted to the licensing agency, and in this instance, DEL has identified three situations that are have major health impacts for children, and proposed that DEL be notified in these circumstances.  In addition, CCDF directly requires states to share provider specific information to the community and families that represent not only the monitoring and inspection reports but also deaths, serious injuries of children and substantiated child abuse or neglect instances. | | | | |

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| **Records, Policies, Reporting and Posting – Transportation and off-site activity policy** | | | | |
| **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-6475 Transportation  When transporting children the licensee, staff, and volunteers must:  (1) Follow RCW 46.61.687 and other applicable law regarding child restraints and car seats;  (2) Carry in the vehicle all items required under WAC 170-296A-6450 and a current copy of each child’s completed enrollment form;  (3) Maintain the vehicle in safe operating condition;  (4) Have a current driver’s license;  (5) Have a current insurance policy that covers the driver, the vehicle, and all occupants;  (6) Take attendance each time children are getting in or getting out of the vehicle;  (7) Never leave children unattended in the vehicle; and  (8) Maintain required staff-to-child ratio and capacity.  WAC170-296A- 6500 Using public transportation  The licensee may transport children using public transportation, provided that children are supervised at all times and required staff-to-child ratios are maintained. The licensee or staff must not allow or send children on public transportation unsupervised.  WAC 170-296A-6525 Transporting children – Limited periods.  The licensee must not transport or allow the transport of children in care for periods of more that two hours per day on a regular and ongoing basis. | What do I need to transport the children on offsite trips?   1. You may transport a child or permit the child to travel offsite only with written parental consent. The purpose may be to attend school, participate in supervised field trips, or engage in other supervised offsite activities. 2. The parent consent may be: (a) For a specific date or trip; or (b) A blanket authorization describing the full range of trips the child may take. If you use a blanket authorization, you must notify the parent in writing at least twenty-four hours in advance about any specific trip. 3. When transportation is provided by the center for children in care: (a) The driver must have a valid Washington state driver’s license to operate the type of vehicle being driven; (b) The number of passengers cannot exceed the seating capacity of the vehicle; (c) Either the center owner or the driver must have liability and medical insurance; and (d) the driver, parent volunteer, or staff supervising the children being transported in each vehicle must have written documentation on file of current CPR and first-aid training. 4. When you transport children, the vehicle used must: (a) Have a current license and registration according to Washington state transportation laws; (b) Be maintained in good repair and safe operating condition; and (c) Be equipped with:   (i) At least one first-aid kit that meets the requirements of WAC 170-295-5010;  (ii) Vehicle emergency reflective triangles or other devices to alert other drivers of an emergency;  (iii) the health history and emergency information for each child in the vehicle; and  (iv) A method to call for emergency help.   1. You must meet the child passenger restraint system requirements in RCW 46.61.687 when transporting children. Contact your local state patrol office for more information. 2. When you transport children, you must maintain the staff-to-child ratio established for the youngest child in the group; and 3. Staff or driver must not leave the children unattended in the motor vehicle. | **170-300-0480**  **Transportation and off-site activity policy.**   * + - 1. An early learning provider must have and follow a transportation and off-site activity policy for personal or public transportation service, or non-motorized travel offered to children in care. Weight #6       2. The transportation and off-site activity policy must include:   (a) Routine trips, which must be:  (i) Kept to a minimum timeframe; and  (ii) Must not exceed two hours of transportation per day for any individual child.  (b) Written parent or guardian authorization to transport the parent or guardian’s child. The written authorization may be:  (i) For a specific event and date;  (ii) For a specific type of trip (for example, transporting to and from school, or transporting to and from a field trip); or  (iii) For a full range of trips a child may take while in the early learning provider’s care.  (c) A written notice to parents or guardians, to be given at least 24 hours before trips are taken. Weight #5  (3) During travel to an off-site activity, an early learning provider must:  (a) Have the health history, appropriate medication (if applicable), emergency information, and emergency medical authorization forms accessible for each child being transported;  (b) Have a phone to call for emergency help;  (c) Have a complete first aid kit, pursuant to WAC 170-300-0230;  (d) Maintain the staff-to-child ratio, mixed groupings, and supervision requirements;  (e) Have at least one staff member currently certified in First Aid and CPR supervise children;  (f) Take attendance each time children begin and end travel to an off-site activity; and  (g) Never leave children unattended in the vehicle. Weight #7   1. When an early learning provider supplies the vehicle(s) to transport children in care, the program and provider must:   (a) Follow chapter 46.61 RCW (Rules of the Road) and other applicable laws regarding child restraints and car seats;  (b) Assure that the number of passengers does not exceed the seating capacity of the vehicle;  (c) Maintain the vehicle in good repair and safe operating condition;   1. Maintain the vehicle temperature at a comfortable level to children; 2. Assure the vehicle has a current license and registration as required by Washington state transportation laws; 3. Assure the vehicle has emergency reflective triangles or other devices to alert other drivers of an emergency; 4. Assure the driver has a valid Washington state driver’s license for the type of vehicle being driven and a safe driving record for at least the last five years;   (h) Assure the driver has no medical or other condition that would compromise driving, supervision, or evacuation capabilities;  (i) Have a current insurance policy that covers the driver, the vehicle, and all occupants; and  (j) Keep the vehicle locked when not in use.  Weight #7 |  |  | |
| **Justification:**  The revision language in 170-300-0480(2)(a)(ii) is proposed to limit the amount of time a child spends being transported during participation in an early learning program, limiting the time to two hours total. *Caring for Our Children, 3rd edition*, addresses the issue of time in transportation at 9.2.5, recommending a limitation of no single trip exceeding 45 minutes. DEL is proposing to look at this issue by total time rather than by individual trip. DEL’s approach is less strict and takes into account the state’s diverse geography.  In 170-300-0480(3), DEL proposes two revisions during the course of transportation or off site activities with children. First, having medication if applicable and second, having a method to call for emergency help. *Caring for Our Children, 3rd edition*, in the transportation section, includes a method to call for emergency help*. Caring For Our Children, 3rd edition*, in discussing medication at Standard 9.4.2.6: Contents of Medication Record indicates that records should include when children are to receive medication. By adding the clause about having medication, as applicable, DEL is assuring that children who are off-site during a time they are to receive medication, have appropriate access to it. Moreover, at Standards 6.5.1.1, addressing transportation, Caring for our Children explicitly states, “ Any emergency medications that a child might require, such as self-injecting epinephrine for life-threatening allergy, should also be available at all times as well as a mobile phone to call for medical assistance.”  There are four additional items proposed to be included, all of which directly relate to child safety during transportation. The first of these addresses temperature of the vehicle; the second addresses the driver’s license status of the driver; the third addresses the health conditions of the driver, and the fourth addresses the vehicle, and the need to keep it locked. The first of these proposed changes, on temperature, is found in *Caring for Our Children, 3rd Edition*, at Standard 6.5.2.4, Interior Temperature of Vehicles, stating “the interior of vehicles used to transport children should be maintained at a temperature comfortable to children.” The proposed additions concerning the driver are all covered by *Caring for Our Children, 3rd Edition*, Standard 6.5.1.2, addressing driver qualifications, which explicitly provides for the requirement for a “valid commercial driver’s license that authorizes the driver to operate the vehicle being driven; evidence of a safe driving record for more than five years, with no crashes where a citation was issued; no alcohol, prescription or over-the-counter medications, or other drugs associated with impaired ability to drive, within twelve hours prior to transporting children. Drivers should ensure that any prescription or over-the-counter drugs taken will not  impair their ability to drive; [and] no medical condition that would compromise driving, supervision, or evacuation capability including fatigue and sleep deprivation.” Standard 6.5.1 provides, as well, the rationale for locking the vehicle when children are not in it, “Children have died from heat stress from being left unattended in closed vehicles. Temperatures in hot motor vehicles can reach dangerous levels within fifteen minutes. Due to this danger, vehicles should be locked when not in use.” | | | | | | |

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| **Records, Policies, Reporting and Posting –Termination of services policy** | | | | |
| **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-2375  The licensee's written parent/guardian policies (handbook) must include:  (3) Enrollment and disenrollment process; | No Current Standard for Termination | **170-300-0485**  **Termination of services policy.**   1. An early learning provider may terminate a child’s early learning services due to a parent or guardian’s inability to meet expectations outlined in the early learning program contract. Reasons for terminating services include, but are not limited to:    1. Unpaid bills;    2. Continual late arrivals; or    3. A parent, guardian, or family member’s inappropriate or unsafe behavior in or near early learning program space. Weight NA 2. When a parent or guardian is at risk of having their child’s services terminated, an early learning provider must:    1. Communicate this risk to the parent or guardian;    2. Document attempts to communicate the potential for terminating services; and    3. Keep this documentation in the child’s file. Weight #6 3. An early learning provider must establish and share with families a termination of services policy that includes:    1. The reasons and timelines for termination; and    2. Strategies used to communicate a risk of service termination. Weight #5 |  |  | |
| **Justification:**  DEL proposes a new revision to clarify the content of termination policies. *Caring for Our Children, 3rd Edition*, underscores the importance of having termination policies that include notification to parents at 9.2.1.1. This proposal clarifies that termination consistent with the parent contract is permissible, thus underscoring the importance of a clear agreement about the terms and conditions of the child’s enrollment. In addition, it specifies that there must be communication to the parent/guardian about termination, with documentation of the communication, and finally, it includes the creation of a termination policy that is shared with these families. The proposed clarification is intended to strengthen the relationship between the parent/guardian and the early learning provider by having a clear policy and communication about termination. | | | | |

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| **Records, Policies, Reporting and Posting –Child restraint policy** | | | | |
| **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-6200  Physical restraint—Prohibited uses or methods.  The licensee, staff, or household members must not use:  (1) Physical restraint as a form of punishment or discipline;  (2) Mechanical restraints including, but not limited to, handcuffs and belt restraints;  (3) Locked time-out or isolation space;  (4) Bonds, ties, tape, or straps to restrain a child; or  (5) Physical restraint techniques that restrict breathing or inflict pain. These include, but are not limited to:  (a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;  (b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;  (c) Arm twisting;  (d) Pulling hair;  (e) Choking or putting arms around the throat; or  (f) Chemical restraint such as mace or pepper spray.  WAC 170-296A-6225  Physical restraint—Holding method allowed.  When a child's behavior makes it necessary for his or her own or other's protection, the licensee or primary staff person may restrain the child, by holding the child as gently as possible.  A child must not be physically restrained longer than necessary to control the situation.  WAC 170-296A-6250  Notice and documenting use of physical restraint  (1) If physical restraint is used, the licensee must within twenty-four hours:  (a) Report the use of physical restraint to the child's parent or guardian and the department as required under WAC [170-296A-2250](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-2250);  (b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and  (c) Document the incident in the child's file, including what happened before, during and after the child was restrained.  (2) The licensee must develop a safety plan with the licensor if required by the department. | WAC 170-295-2040  (5) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to:  (c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes; and | **170-300-0490**  **Child restraint policy.**   1. An early learning provider must have and follow a Child restraint policy that contains behavior management and practices, pursuant to section WAC 170-300-0335. Weight #6 2. A restraint policy must be:    * + - 1. Appropriate for each child’s developmental level, abilities, language skills, and culture;          2. Directly related to the child’s behavior; and          3. Designed to be consistent, fair, and positive. Weight #6 3. An early learning provider must communicate to parents, guardians, and children in care what the Child restraint policy includes. Weight #5 4. Family Home Licensees, Directors, Assistant Directors, Program Supervisors, and Lead Teachers must be trained annually in the Child restraint policy. Weight #5 5. Only trained staff may restrain a child in care. Weight #6 |  |  | |
| **Justification:**  In this WAC, proposed revisions include the creation of a Child Restraint Policy that contains behavior management and practices as well as annual training for key personnel. The federal Child Care and Development Block Grant Act of 2014, with implementing regulations at 45 C.F.R. 98.16 indicates, at 98.16(ee), that the plan must contain a “description of policies to prevent suspension, expulsion and denial of services due to behavior of children birth to age five in child care….which must be disseminated as part of…provider education efforts.” DEL is proposing that early learning providers create a policy to address child guidance and restraint to address this requirement. Caring for Our Children, 3rd Edition, addresses supervision and discipline at Chapter 2.2, providing a detailed set of standards in this area, which inform DEL’s proposal to require early learning providers to have a clear policy that focuses on behavior management and practices, and assures for ongoing training. See STANDARD 2.2.0.6: Discipline Measures, STANDARD 2.2.0.7: Handling Physical Aggression, Biting, and Hitting, STANDARD 2.2.0.8: Preventing Expulsions, Suspensions, and Other Limitations in Services, STANDARD 2.2.0.9: Prohibited Caregiver/Teacher Behaviors, and STANDARD 2.2.0.10: Using Physical Restraint. | | | | |

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| **Records, Policies, Reporting and Posting – Consistent care policy** | | | | |
| **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 Standard for Relationship-Based Policy | No Current Standard for Relationship-Based Policy | **170-300-0495**  **Consistent care policy.**   1. An early learning program must have and follow a policy that promotes the consistent care of children. “Consistent care” means providing steady opportunities for children to build emotionally secure relationships by primarily interacting with a limited number of early learning program staff. Weight #1      1. When possible, an early learning provider must be assigned to work with a consistent group of children for much of the day with a goal of building long term, trusting relationships. Weight #1 |  |  | |
| **Justification:**  The implementing regulations for the Child Care and Development Block Grant Act of 2014 include, as part of their purpose, that states “design programs that provide uninterrupted service to families and providers, to the extent allowed under the statute, to support parental education, training and employment and consistent care that minimizes disruptions to children’s learning and development.” 45 C.F.R. Section 98.1(b)(7). Consistent care is stressed in other places as well including at Section 98.14, which addresses the state plan process and provides that states are to “to expand accessibility and consistent care.” Given the importance of consistent care to support child development, which is documented in *Caring for Our Children, 3rd Edition* through Chapter 2, particularly in 2.1.2 and 2.1.3, as well as the approach of the federal law, DEL proposes a new provision that speaks specifically to this issue. Early learning providers are required to articulate their approach to consistent care, and must, when possible, assign personnel to work with a consistent group of children over much of the day. As stated in this proposed regulation, consistent care help to build long term, trusting relationships which are fundamental to the goal of licensing to support the foundation of child development, health and safety. | | | | |

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| **Records, Policies, Reporting and Posting – Health policy** | | | | |
| **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-3200  Health plan.  The licensee must have a written health plan. The health plan must include:  (1) Contagious disease procedures and exclusion of ill persons under WAC [170-296A-3210](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3210);  (2) Immunization tracking under WAC [170-296A-3250](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3250) through [170-296A-3300](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3300);  (3) Medication management under WAC [170-296A-3315](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3315) through [170-296A-3550](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3550);  (4) Injury treatment under WAC [170-296A-3575](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3575) through [170-296A-3600](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3600);  (5) Handwashing and hand sanitizers under WAC [170-296A-3625](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3625) through [170-296A-3675](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-3675);  (6) Caring for children with special health needs under WAC [170-296A-0050](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-0050);  (7) Cleaning, sanitizing, and disinfecting procedures;  (8) A bloodborne pathogens plan under WAC [170-296A-1850](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-1850); and  (9) Notifying the health department when a licensee, staff person, volunteer, household member, or child in care is diagnosed with a notifiable condition as required under WAC [170-296A-2325](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-296A-2325).  170-296A-3315  (3) If the licensee chooses not to give any medications to children in care, the licensee must inform parents in the parent/guardian handbook.  (4) If the licensee or primary staff person decides not to give a specific medication to a child after having received written permission by the child's parent or guardian, the licensee or primary staff person must immediately notify the parent or guardian of the decision to not give the medication.  (5) The licensee must make reasonable accommodations and give medication if a child has a condition where the Americans with Disabilities Act (ADA) would apply. | WAC 170-295-2060  In addition to meeting the other requirements of chapter [170-295](http://apps.leg.wa.gov/wac/default.aspx?cite=170-295) WAC, if you offer child care during evening and nighttime hours, you must:  (1) Adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night such as: (c) Make arrangements for personal hygiene including tooth brushing;  170-295-3010 What kind of health policies and procedures must I have?  (1) You must have written health policies and procedures that are:  (a) Written in a clear and easily understood manner;  (b) Shared with all new staff during orientation;  (c) Posted for staff and families to review; and  (d) Reviewed, signed and dated by a physician, a physician's assistant or registered nurse when you change your policies and procedures or type of care that you provide, or at least every three years when you are due for relicensing. (For example, if you go from caring for children from twelve months and older to caring for infants, you must update your health policies and procedures and have them reviewed and signed.)  (2) Your health policies and procedures must have information on how you plan to:  (a) Provide general cleaning of areas including, but not limited to, bathrooms, floors, walls, and doorknobs;  (b) Clean and sanitize areas including, but not limited to, food contact surfaces, kitchen equipment, diapering areas, toys, toileting equipment and areas, equipment that might be shared with several children such as sleep mats, cribs or high chairs;  (c) Prevent, manage and report contagious diseases;  (d) Handle minor injuries such as nosebleeds, scrapes and bruises;  (e) Provide first aid;  (f) Screen children daily for illnesses;  (g) Notify parents that children have been exposed to infectious diseases and parasites;  (h) Handle minor illnesses;  (i) Handle major injuries and medical emergencies that require emergency medical treatment or hospitalization;  (j) Manage medication;  (k) Assist with handwashing and general hygiene including diapering and toileting;  (l) Handle food;  (m) Provide nutritious meals and snacks;  (n) Respond during any disasters;  (o) Care for children that may have special needs;  (p) Care for infants and obtain infant nurse consultation (if licensed for four or more infants); and  (q) Follow the infant safe sleep practices in WAC [170-295-4110](http://apps.leg.wa.gov/WAC/default.aspx?cite=170-295-4110).  (3) Your health policies and procedures must have information on when you plan to:  (a) Require ill children to stay home and for how long;  (b) Allow the ill child to return; and  (c) Call a parent to pick up their child and how you will care for the child until the parent arrives.  WAC 170-295-3050  Am I required to give medications to the children in my care?  If a child has a condition where the Americans with Disabilities Act (ADA) would apply you must make reasonable accommodation and give the medication.  170-295-3120  You must keep a confidential, written record in the child's file of:  (1) Child's full name, date, time, name of medication and amount given (indicate if self-administered);  (2) Initial of staff person giving medication or observing the child taking the medication with a corresponding signature on the medication record to validate the initials; and  (3) Provide a written explanation why a medication that should have been given was not given. | **170-300-0500**  **Health policy.**   * + - 1. An early learning provider must have and follow a written Health policy reviewed and approved by the department. The Health policy must be reviewed by the department when updated as changes occur within this chapter, and as otherwise necessary. Weight #5       2. A center early learning program must have the Health policy reviewed, approved, and signed by:          1. A health care professional with prescriptive authority; or          2. A currently licensed Registered Nurse who has a background in pediatric or family medicine. Weight #5  1. An early learning program’s Health policy must meet the requirements of this chapter including, but not limited to: 2. A prevention of exposure to blood and body fluids plan; 3. Meals, snacks, and food services; 4. Handwashing and hand sanitizer use policy; 5. Screening children for illness daily; 6. Exclusion of ill children, staff, or any other person in the program space; 7. Contagious disease notification; 8. Exclusion and return of a person diagnosed with a notifiable condition;   (h) Injury treatment and reporting;  (i) Immunization tracking;  (j) Medication management, including, but not limited to:  (i) How the program will make reasonable accommodations and give medication to a child that has a condition protected by the ADA, to include Individual Care Plans with the health care provider and parent or guardian signature for chronic and life threatening conditions;  (ii) How medication administered to children will be documented on a medication log, including documenting when a medication is not given as prescribed or as indicated on the medication authorization form;  (iii) Medication authorization forms for prescription and non-prescription medication, which must include:  (A) The child’s first and last name;  (B) The name of the medication;  (C) The dosage;  (D) Start and stop dates;  (E) Reason for the medication;  (F) Instructions for administration;  (G) Possible side effects; and  (H) Parent or guardian signature.  (k) Medication storage, including how to safely store medication:  (i) Consistent with directions on the medication label;  (ii) To make it inaccessible to children;  (iii) Separate from other personal or pet medication, and from cleaners and chemicals.  (l) Care for animals on the premises;  (m) How general cleaning will be provided and how areas such as food contact surfaces, kitchen equipment, toys, toileting equipment, and laundry will be cleaned and sanitized;  (n) Pest control policies;  (o) Caring for children with special needs or health needs, including allergies, as listed in the child’s file; and  (p) Daily tooth brushing routine and education. Weight #5 |  |  | |
| **Justification:**  DEL proposes to revise the Health policy regulation by clarifying that the policy must be implemented, and that it must be updated as needed. Beyond the clarification, DEL proposes to add daily screening of children for illness and daily tooth brushing routine and education. *Caring for Our Children, 3rd Edition*, at Daily Health Check STANDARD 3.1.1.1, specifically calls for a daily health check for all children, which serves to “identify potential concerns about a child’s health including recent illness or injury in the child and the family…,reduce the transmission of infectious diseases in child care settings by identifying children who should be excluded, and enable the caregivers/teachers to plan for necessary care while the child is in care at the facility.” Also in *Caring for Our Children, 3rd Edition,* recommends, at Oral Health STANDARD 3.1.5.1: Routine Oral Hygiene Activities that “Caregivers/teachers should promote the habit of regular tooth brushing. All children with teeth should brush or have their teeth brushed at least once during the hours the child is in child care.” This prevents tooth decay. Education about oral health is also expected, see STANDARD 2.4.1.1: Health and Safety Education Topics for Children, where oral health is explicitly addressed at 2.4.1.1(i).  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. | | | | | | |

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| **Records, Policies, Reporting and Posting – Postings** | | | | |
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| WAC 170-296A-2175 Materials that must be posted.  The following must be posted in the licensed space during operating hours and clearly visible to parents, guardians and staff:  (1) A statement of the licensee’s philosophy of child development; (2) Emergency information, including:  (a) 911 or emergency services number;  (b) Name of the licensee, telephone number(s), emergency contact information, address and directions from the nearest arterial street or nearest cross street to the licensed home;  (c) Washington poison center toll-free phone number; and  (d) DSHS children’s administration intake (child protective services) toll-free telephone number; (3) Emergency preparedness plan and drills with the following information:  (a) Dates and times of previous drills;  (b) Procedure for sounding alarm;  (c) Monthly smoke detector check, and carbon monoxide detector check if carbon monoxide detectors are required under WAC  170-296A-2950;  (d) Floor plan with escape routes and emergency exits identified; and  (e) Emergency medical information or explanation of where that information can be found. (4) Child care licensing information including:  (a) The current department-issued child care license;  (b) If applicable, a copy of current department-approved exceptions to the rules; (5) If applicable, notice of any current or pending department enforcement action. Notice must be posted:  (a) Immediately upon receipt; and  (b) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer; (6) A notice stating that additional information about the child care license is available upon request to the licensee. This information includes:  (a) Copies of department monitoring checklists;  (b) If applicable, any facility licensing compliance agreements (FLCA);  (c) If applicable, copy of any enforcement action taken by the department for the previous three years; and  (d) If applicable, notice that the licensee does not have liability insurance coverage, or the coverage has lapsed or been terminated. See RCW 43.215.535 (7) A statement of how the licensee will communicate with parent or guardian on their child’s development and parent support; and (8) A typical daily schedule as described in WAC 170-296A-6550 | WAC 170-295-6010 What are the regulations regarding discrimination?  (1) Child care centers are defined by state and federal law as places of public accommodation and must not discriminate in employment practices and client services on the basis of race, creed, color, national origin, marital status, gender, sexual orientation, class, age, religion, or disability.  (2) You must:  (a) Post a nondiscrimination poster where families and staff can easily read it; (b) Have a written nondiscrimination policy; and  (c) Comply with the requirements of the Americans with Disabilities Act.  WAC 170-295- 7080 Materials that must be posted.  Licensees must post the following items so that they are clearly visible to the parent and staff:  (1) The center’s child care license issued under this chapter;  (2) A schedule of regular duty hours with the names of staff; (3) A typical activity schedule, including operating hours and scheduled mealtimes; (4) Meal and snack menus for the month;  (5) Fire safety record and evacuation plans and procedures, including a diagram of exiting routes;  (6) Emergency telephone numbers near the telephone;  (7) Nondiscrimination poster;  (8) for the staff, the licensee must post:  (a) Dietary restrictions and nutrition requirements for particular children;  (b) Handwashing practices;  (c) Diaper changing procedure, if applicable;  (d) Disaster preparedness plan; and  (e) Center policies and procedures  (9) The licensee must post a notification advising parents that the licensee is required to keep a file on-site for their review containing copes of the most recent child care monitoring checklist and facility licensing compliance agreement (FLCA) for any deficiencies noted. | **170-300-0505**  **Postings.**  An early learning provider must post the following so they are clearly visible to parents, guardians, and staff:     1. The child care license issued under this chapter; Weight #1 2. Floor plan with emergency routes and exits identified in each child care area; Weight #5 3. Dietary restrictions, known allergies and nutrition requirements for particular children; Weight #5 4. Handwashing practices; Weight #5 5. Diaper changing procedure, if applicable; Weight #5 6. Any pesticide treatment, if applicable; Weight #5 7. Liability insurance coverage, if applicable, or lapse or termination of such coverage; Weight #1 8. Emergency procedures including, but not limited to the location of emergency medical information; Weight #5 9. Emergency numbers and information, including but not limited to: 10. 911 or emergency services number; 11. Name, address and directions from the nearest arterial street or nearest cross street to the facility; 12. Washington poison center toll-free number; and 13. DSHS children’s administration intake (Child Protective Services) toll-free number.   Weight #6   1. A copy of a waiver or variance from a rule granted by the department, if applicable; Weight #1 2. A notice of safe sleep violation in the licensed space as required by WAC 170-300-0291(2), if applicable; and Weight #5 3. A notice of any current or pending enforcement action, if applicable. Notice must be posted: 4. Immediately upon receipt; and 5. For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer. Weight #1 |  |  | | |
| **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. | | | | | |