

School Districts Licensing Issues

Blue – need more data to understand consistency of the issue, application of variance (if unified) or waiver (if per site)

Green – equivalency work

Purple – compliance with CCDF requirements

Grey - change of licensing practice; variance is not needed

Yellow – per site issue, waiver

Teal – allow variance

Red – need investigation of the issue

Intent and Authority (0001-0030)						
#	Issue	WAC	District or site-based issue	Solution	DEL recommended solution	SD recommended solution
1	<p>Licensee absence</p> <p>Nicole Lor - collect a sample of 10-15 SDs policies and procedures for the department to review and make a variance decision.</p>	<p>0015 – Licensee absence</p>	<p>District</p>	<p>Districts have their own policies and procedures related to absences – recommend these be followed</p>	<p>Review SDs licensee absence policy for consistency – variance or waiver</p>	<p>Variance</p>
Child Outcomes (0055-0065)						
Issue	WAC	District or site-based issue	Solution		Variance or Waiver	
Family Engagement and Partnerships (0080-0085)						
Issue	WAC	District or site-based issue	Solution		Variance or Waiver	
Professional Development (0100-0120)						
Issue	WAC	District or site-based issue	Solution		Variance or Waiver	

2	Education and Experience requirements for "center directors"	0100: (3)(a)(b) Requires education and experience related to early learning	District – related to ECEAP program	<p>There are currently ECEAP Program Managers that began as Family Support who have BA or Masters in Social Work or related field. They have years of experience providing services in an early learning environment (ECEAP, Head Start, etc.). For ECEAP, Family Support services are equally important as early childhood education. Allow an option for these individuals to qualify as a Center Director. Our recommendation is to broaden the definition of Center Learning Director to include individuals who have had experience working in an early learning program in the capacity of a lead teacher or Family Support Coach and at least six months of experience in administration or management. Also, an OSPI teaching certificate should count towards education requirements.</p> <p>Define equivalencies which will align with elementary qualification requirements</p>	Refer to PD team, re: equivalency work	Variance
3	Services requirement for Center Directors	0100: (3)(c) Requires Center Directors to be on-site for 50% or more	District – related to ECEAP program	For ECEAP operating in school facilities, administration of ECEAP program is centrally managed. Site principals provide some support and oversight, especially related to emergencies, building procedures,	Review ECEAP performance standards.	Variance

		<p>of operating hours</p> <p>This may also impact 0111: staff oversight</p>		<p>etc. Provide an option for central management that could include a requirement to demonstrate that the school principal is trained in program policies and etc. (WAC 0110)</p> <p>If central administration will not be “permitted” principals should be qualified as center directors. An OSPI administrative credential/certification should be sufficient for this. If they can run a P-5 school that includes preschool for children with special needs, they should be able to qualify as the center director for ECEAP without having to take additional classes/requirements. Also, considering the importance of P-3 alignment, principals are in a unique position when serving as center directors to support these. Note: oversight of staff in a school district setting is different than a licensed center – this is true for Developmental Preschool staff</p>	Refer to PD workgroup – equivalency.	
4	Requirements for assistant teacher vs. OSPI	0100: (6) Assistant teacher	District	Define equivalencies which will align with state paraeducator requirements	Equivalency WG	Variance
5	Requirements for “other personnel”	0100: (8) Professional Development, training and	District	Accept the OSPI requirements for background checks for district personnel not directly caring for children (including bus	CCDF requirements – crosswalk with SDs PD/training to ensure compliance	Variance

		Requirements		transportation staff); also do not require them to complete the training re: program and policies per WAC -0110		
6	Pre-Service Requirements	WAC 170-300-0105	District	Department to implement differentiated 7orientation process and activities	Change of orientation process. Variance will not be needed.	Variance
7	Training Requirements (PD, Basic STARS)	0106 4-8, 12, and 13	District	Alignment of clock hours and STARS; district monitoring	CCDF requirements – crosswalk with SDs PD/training to ensure compliance	Variance
8	Training Requirements (PD, Basic STARS)	0107 (2)	District	Alignment of clock hours and STARS; district monitoring	CCDF requirements – crosswalk with SDs PD/training to ensure compliance	Variance
9	Professional Development, Training and Requirements	WAC 170-300-0106 4.(Registration in MERIT)(Special Education Certificated and classified Staff	District	Special Education certificated and classified staff comply with OSPI professional development requirements	Refer to PD workgroup – equivalency.	Variance
10	Training Requirements	0106(5) – Emergency preparedness training	District	School district and OSPI training should also count toward this requirement. It is critical that staff know and understand the policies and procedures of the district, thus this should be the training they are required to complete, vs. a DCYF training that may not align with district policy.	CCDF requirements – crosswalk with SDs PD/training to ensure compliance	Variance

11	Training Requirements	0106(10) – Medication management training	District	Medication management training is provided by district school nurses; there is a system in place for which nurses have medical/legal responsibility; training is typically not annual. Special training occurs when a special health plan/medication authorization is needed. Recommendation is to allow programs operating by a school district to follow district policies and procedures	CCDF requirements – crosswalk with SDs PD/training to ensure compliance	Variance
12	Training Requirements	0106(9) – Child Restraint training	District	Most districts require a 2-day training that takes place once staff are back in school – districts (and ECEAP) typically require the training to be completed during the first year of employment	CCDF requirements – crosswalk with SDs PD/training to ensure compliance	Variance
Environment (0130-0296)						
	Issue	WAC	District or site-based issue	Solution		Variance or Waiver
13	Indoor learning space and accommodating for disabilities	0130: (2) Indoor learning space and accommodating for disabilities	District	Districts must meet requirements related to accommodating disabilities – allow programs operating under districts to meet these same requirements	Already in compliance per K-12 federal requirements. Do we need a variance, or assume compliance per different authority?	Variance

14	Provide individual storage space for each child while in attendance	0140(5) - individual storage space for children in attendance	District	School District classrooms often do not have sufficient space to meet the “learning” square footage and cubbies. Recommend that, if this is not the case, that cubbies be included in the learning space as they are used by children OR allow districts/programs to offer alternatives such as very large Ziploc bags, etc.	Per site issue – variance is not applicable. Waiver.	Variance
15	Outdoor play space	0145/0146: Outdoor play space	District	Allow district play spaces that meet OSPI requirements. Could require that if play equipment is not age appropriate that staff need to consistently provide/bring outside play equipment to encourage gross motor development	Per site issue – variance is not applicable. Waiver.	Variance
16	Window blinds	0165(2)(b) Window blinds	District	Almost all district classrooms have blinds with strings – allow an option to secure blind strings. Or – provide funding to districts to replace the blinds, which is quite expensive	Per site issue – variance is not applicable. Waiver.	Waiver/Variance
17	Indoor Temperature Control	0165(4)(a) Indoor Temperature Control	District	Many district building heating/cooling systems are operated from a central office or by custodial staff. Allow/modify wording that indicates that control can be by non-classroom staff.	Per site issue – variance is not applicable. Waiver.	Variance
18	Window Openings	0165(4)(a) Window Openings	District	Many district buildings are not constructed to limit the window opening. Request a waiver	Per site issue – variance is not applicable. Waiver.	Variance
19	Emergency Preparedness Plan and exit	0166: Emergency	District	Allow programs operating within a district to follow district plan, policies, etc.	CCDF requirements – crosswalk with SDs policies to	Variance

		Preparedness Plan and exit			ensure compliance. If not uniformed – waiver.	
20	Fire Safety	0170: Fire Safety	District	Allow programs operating within a district to follow district plan, policies, etc.	CCDF requirements – crosswalk with SDs policies to ensure compliance. If not uniformed – waiver.	Variance
21	Fire Safety – Carbon Monoxide monitors	0170: (2)(g) Carbon Monoxide monitors	District	May need a waiver – don’t think school districts are required to have Carbon Monoxide monitors	crosswalk with SDs policies to ensure compliance. If not uniformed – waiver.	Variance/Waiver
22	Exclusion for lice	0205(5)(f) Exclusion for lice	District	Districts are not allowed to exclude for lice. Allow programs operating in districts to follow, for this section, the OSPI Infectious Disease Control Guide	True for all districts. Allow variance per OSPI Infectious Disease Control Guide	Variance
23	Immunization records process duplicates K-12 student records system	WAC 170-300-0210 3. Immunization records available in the licensed space	District	Immunization records process duplicates K-12 student records system	Review records using student records system – change of licensing practice	Variance or waiver?
24	Duplication for K-12 systems, and records may be kept elsewhere besides the licensed space	WAC 170-300-0215 15. Provider must keep medication authorization forms and	District	Medication logs/authorization forms retention duplicate the system for K-12 students	Review records using student records system – change of licensing practice	Variance

		medication logs for no less than twelve months...within the licensed space				
25	Bathroom and sink requirements – increases the cost of construction for new program space that might potentially be utilized by ECEAP/Head Start programs Debbie O’Neil - Training for licensors, re: how to calculate age group ratios - 1:30/school age; 1:15/preschool	0220: bathroom and sink requirements	District	Existing programs may have to move to other space in the district; many existing building have bathrooms in the hall. Allow exiting and new programs operating within districts to provide toilets and sinks with a ratio and location consistent with Elementary School build requirements	How common is the issue? Collect data, especially for ECEAP and HS	Variance (includes verbiage that addresses any safety concerns)
26	Bathroom exhaust fans	0220: Bathroom exhaust fan or operable window		Some district buildings are older and may not have a bathroom exhaust fan or operable window	Per site issue - waiver	Variance
27	Cleaning Schedules – related to food preparation	0241: (1) (d & e) Cleaning Schedules – related to food preparation	District	Food preparation is often completed at a central district facility and they are regulated by other entities	Variance	Variance

28	Cleaning Schedules – related to program space Nicole Lor – collect cleaning responsibilities data	0241: (10-12)Cleaning Schedules – related to program space	District	Cleaning of program space is often completed district janitorial staff and is a building wide approach which may not be consistent with this WAC and may require a waiver or variance	How common the issue is? Need data	Variance
Interactions and Curriculum (0300-0360)						
	Issue	WAC	District or site-based issue	Solution		Variance or Waiver
29	Individual Care Plan	0300: Individual Care Plan Special Needs Accommodations 2 submitting accommodation plan to department for approval 3.1 Verification of training	District	This section is confusing. Not sure how this is different than an IEP. Also, not clear who or why someone should be notified when serving a child with special needs Monitor at the District Level, align work and paraprofessional professional development	IEP and SD monitoring system will suffice. Variance	Waiver or variance
30	Interactions and Curriculum	WAC 170-300-0331 3. During separation time, the child must remain under the direct supervision of licensee,	District	Add “or other trained staff” like other areas. Special Education teacher, behavior specialists etc. have ability to be with child during separation time Define separation time and align with Special Education	SDs have additional staff and well defined IEP process. Variance	Variance

		center director, assistant director, programs supervisor and Lead Teacher. Separation of the child must not last longer than five minutes		requirements and based upon student's IEP		
31	Emotional Support and Classroom Organization-Physical restraint	WAC 170-300-0335 3. Only the direct licensee, center director, assistant director, programs supervisor and Lead Teacher trained in restraint techniques may restrain a child.	District	Special Education teacher, specialists etc. have ability to restrain as well. Some other ECEAP roles that at times support the classroom may also be trained in restraint (i.e. family support staff)	SDs have additional staff and well defined IEP process. Variance. Need to align with ECEAP performance standards.	Variance
32	Physical restraint notification	0340:(5)(e) Physical restraint notification	District	Districts won't be "licensed" – need to determine the appropriate body to report restraint to – if	Need clarification	Variance

				ECEAP then DCYF would be appropriate		
33	Unsupervised access to children	0345: (1) unsupervised access to children, no person other than a children's parent or guardian may have unsupervised access to a child	District	Expand to include that in a school district, staff with a legitimate educational purpose/reason for interactions with the child (such as the SLP, itinerant special education teacher, health room attendant, school nurse, principal or counselor) should also be allowed this access to the child. As a part of the school district, the requirements for unsupervised access to the child need to match the requirements from OSPI and the school district.	CCDF requirements and definitions – PBC.	variance or change in WAC language
34	Child Staff ratio required for transportation	0345: (2)(c) Supervising Children – requires program to maintain adult:child ratios during transportation	District	OSPI requirements for preschool age students receiving special education services are okay with one driver. Requirements for programs located in a school district need to match/follow the OSPI requirements. Transportation is already a cost burden for school districts and this requirement would likely result in districts not providing transportation and this would significantly impact the ability to fully serve eligible children	OSPI requirements are not applicable for EL – not a part of basic education. DCYF has an authority to establish requirements. Per site/program issue – waiver.	Variance
35	Space not counted for capacity	0354: (2)(c) Space not counted for capacity – 24" around sink	District	Most classrooms capacity space is currently calculated by exempted the sink space only – recommend this be in the WAC. Most classroom have just enough square footage	Per site issue - waiver	Variance

				and would need to reduce slots to accommodate exempting the 24" around a sink.		
36	Licensed/Certified Space	0354: What constitutes a "certified program space"	District	Would recommend that "certified program space" only include the classroom and outdoor play area; recommend that other areas not be included: libraries, cafeterias, nurse rooms, front office? etc.	It's a provider decision – what space to license/certify. Need clarification.	Possible Variance
	Total capacity and age range including transportation to and from program	0356: (3) Total capacity and age ranges including transportation to and from program	District	Transportation on district bus may exceed the capacity and age range of program. Recommend that transportation by districts follow OSPI requirements.	OSPI requirements are not applicable for EL – not a part of basic education. DCYF has an authority to establish requirements. Per site/program issue – waiver.	Variance
37	Maintain ratios during transportation	0356: (4) Maintain ratios during transportation	District	OSPI requirements for preschool age students receiving special education services are okay with one driver. Requirements for programs located in a school district need to match/follow the OSPI requirements. Transportation is already a cost burden for school districts and this requirement would likely result in districts not providing transportation and this would significantly impact the ability to fully serve eligible children	OSPI requirements are not applicable for EL – not a part of basic education. DCYF has an authority to establish requirements. Per site/program issue – waiver.	Variance

Program Administration and Oversight (0400-0505)						
	Issue	WAC	District or site-based issue	Solution		Variance or Waiver
38	<p>Districts timelines for opening a new site do not match the licensing timeline</p> <p>Nicole Lor (providers) and Judy Bunkelman (licensors & health specialists) – collect data/list of barriers to meet the 90 days' timeline</p>	<p>WAC 170-300-0400</p> <p>An applicant must submit the completed application packet at least 90 calendar days prior to the planned opening of the early learning program. (a). The 90 calendar days begins when the department receives a complete application packet</p>	District	Department to implement differentiated application process	<p>It's in RCW for licensing process. We need to define a certification process which could include additional steps and different timelines. (need to consult with AAG). Possible variance.</p>	Variance with differentiated application process
39	License Fees	0401: License Fees	District	Recommend no license fees as school districts operate under/are regulated by OSPI	<p>Fees are not required for ECEAP. DCYF can waive it for other SD</p>	Variance

					services. Don't need a variance – secretary decision.	
40	Change to early learning space	0402: Change to early learning space	District	Currently report these changes to DEL – Recommend changes for district programs go to DCYF and/or OSPI	It will be DCYF starting 7/1	Variance
41	Prohibited substances – transporting children	0420: (2)(c) Prohibited substances – transporting children	District and others	The wording in (c) could be interpreting as even a parent transporting their child that is enrolled in a program – which program staff cannot really prevent	Clarification	Variance or change in wording
42	Prohibited substances – posting signs	0420: (2)(f) Prohibited substances – posting signs	District	Allow districts to posts signs per their policies and guidelines	will suffice – variance	Variance
43	<p>Program Administration and Oversight</p> <p>1. Share the AAG guidance, re: direct service and subcontractors – Nicole</p> <p>2. Aligned notification process with ECEAP and licensing – Travis and Nicole Lor</p> <p>3. Establish a pre-application process as a</p>	<p>WAC 170-300-0402 1. An early learning provider must notify the department prior to making a significant change to the space (a). Moving child care or early learning program to a different residence,</p>	District	Department to implement differentiated application process; also, currently contractors must notify ECEAP state office of moving facilities or adding a classroom to an existing site.	We need to define a certification process which could include additional steps. Need to establish a communication loop (WA COMPASS provider portal) - ECEAP and licensing will be aware.	Variance

	<p>part of certification for SDs – Travis and Judy</p> <p>4. Charging licensing fees when classrooms are moved within the same building – Travis</p> <p>5. Last minute building/facility/space changes – develop a state-wide process (part of certification procedure) – Travis and Judy</p>	<p>building, or facility even if it is located on the same premises</p>				
44	<p>Zoning Codes and Ordinance</p> <p>State Fire Marshal approval requested by RCW – possible advocacy effort</p>	<p>WAC 170-300-0415</p> <p>5. Prior to licensing , a center early learning applicant must:</p> <p>a. Have a certificate of occupancy-be inspected and approved by the State Fire Marshal</p>	District	Department to implement differentiated application process	We need to define a certification process which could include additional steps and different timelines. (need to consult with AAG). Possible variance.	Variance
45	FLCA and enforcement actions	0440 & 0443: FLCA and	District	Recommend district programs not be included in this section as school	OSPI requirements are not applicable	Variance

	Applicable for all providers, including SDs	enforcement actions		districts operate under/are regulated by OSPI. This includes the “weight” system.	for EL – not a part of basic education. DCYF has an authority to establish requirements.	
46	Attendance records for children – required signature	0455: (2)(d) Attendance records for children – required signature	District	Recommend a variance that accommodates children being transported by district (bus pick-up/drop-off, district or program staff bringing children to/from the room, program staff accepting/exiting children from the room)	Need clarification of the WAC and its application.	Variance
47	Attendance records for staff	0455: (3) Attendance records for staff	District	This may be in conflict with Union Contracts – may need to negotiate an option that meets the intent of this WAC and is agreed upon by bargaining unit/union	Union contract could be a base for variance.	Possible Variance
48	Child Records – parent access Include to the list of needed data to request from SDs – Nicole Lor	0460: (1)(b) Child Records – parent access	District	Recommend allowing programs operating under districts to follow district policy and procedure for request of records.	OSPI requirements are not applicable for EL – not a part of basic education. DCYF has an authority to establish requirements. Possible to allow variance per SD policy – more likely a waiver.	Variance
49	Records, Policies, Reporting and Posting-	WAC 170-300-0465(2) All	District	Monitor at the District Level	Agreed – change of practice	Variance

	Retaining facility and program records	records from the previous twelve months must be kept in the licensed space and be immediately available for review				
50	Emergency Preparedness Plan	0470: Emergency Preparedness Plan	District	Programs are a part of a larger system of a school district. Request waiver on having a separate plan for our programs as it is critical for programs to comply with and coordinate efforts with the schools at which programs are located. Monitor at the District Level	Need to ensure compliance with CCDF. Necessary to review SDs emergency preparedness plan(s). If the SDs plans' will suffice variance could be granted. Otherwise will need to review district by district – waiver.	Variance
51	Transportation Continue at the next meeting. Issues: 1. Sign in/out procedure vary from district to district; 2. child/adult ratio 3. child's custody – who is responsible for	0480: Transportation	District	District transportation of students is provided consistent with OSPI requirements, including for preschool age students. Requirements for programs located in a school district need to match/follow the OSPI requirements. Transportation is already a cost burden for school districts and this requirement would likely result in districts not	OSPI requirements are not applicable for EL – not a part of basic education. DCYF has an authority to establish requirements.	Variance

	children while transported?			providing transportation and this would significantly impact the ability to fully serve eligible children.		
52	Health Policy	0500: (1) Health Policy	District	Programs operating under school district need to be allowed to follow the district policies and procedures – may to require adding specific items if there are safety concerns	OSPI requirements are not applicable for EL – not a part of basic education. DCYF has an authority to establish requirements.	Variance
53	Postings	0505: Postings	District	Programs operating under school district need to be allowed to follow the district policies and procedures – may to require adding specific items if there are safety concerns	OSPI requirements are not applicable for EL – not a part of basic education. DCYF has an authority to establish requirements.	Variance