Chapter 110-300 WAC
FOUNDATIONAL QUALITY STANDARDS FOR EARLY LEARNING PROGRAMS

(Formerly: Chapter 170-300 WAC)

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WAC

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INTENT AND AUTHORITY

WAC 110-300-0001 Intent and authority. (1) The department of children, youth, and families was established under chapter 6, Laws of 2017. Chapter 43.216 RCW establishes the department's responsibility and authority to set and enforce licensing requirements and ECEAP standards, including the authority to adopt rules to implement chapter 43.216 RCW.

(2) Under chapter 7, Laws of 2015 3rd sp. sess. (Early Start Act), the state legislature directed the department to create a single set of licensing standards for center and family home providers.

(3) This chapter reflects the department's commitment to:

(a) Promoting the health, safety, and well-being of children;

(b) Expanding access to high quality early learning opportunities to improve outcomes for young children;

(c) Promoting strong school readiness; and

(d) Recognizing parents and guardians as a child's primary teacher and advocate.

(4) Pursuant to this chapter, the department will periodically monitor and assess early learning programs to determine compliance with these foundational quality standards.

[WSR 18-15-001, recodified as § 110-300-0001, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0001, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0005 Definitions. The following definitions apply to this chapter:

"Accessible to children" means items, areas or materials of an early learning program that a child can reasonably reach, enter, use, or get to on their own.

"Accommodations" means program curriculum and instruction, activities, spaces, and materials that have been adapted to help children and adults with special need function within their surroundings.

"Active supervision" or **"actively supervise"** means a heightened standard of care beyond supervision. This standard requires an early learning provider to see and hear the children they are responsible for during higher risk activities. The provider must be able to prevent or instantly respond to unsafe or harmful events.

"ADA" refers to the Americans with Disabilities Act, as now and hereafter amended.

"Aide" is a person who offers support to the early learning program staff.

"Allergy" or **"allergies"** refers to an overreaction of the immune system to a substance that is harmless to most people. During an allergic reaction, the body's immune system treats the substance or "allergen" as an invader. The body overreacts by releasing chemicals that may cause symptoms ranging from mildly annoying to life threatening. Common allergens include certain foods (milk, eggs, fish, shellfish, common tree nuts, peanuts, wheat, and soybeans) pollen, mold, or medication.

"Annual" means the calendar year, January 1st through December 31st.

"Applicant" means an individual who has made a formal request for a child care license, certification, exemption, or portable background check.

"Appropriate" when used to refer to child care or educational materials means that the materials will interest and challenge children in terms of their ages and abilities.

"Appropriately" means correct or properly suited for a particular situation.

"Assistant director" is a person responsible for the overall management of the center early learning program including the facility and operations.

"Assistant teacher" is a person whose work is to assist a lead teacher or licensee in providing instructional supports to children and implementing a developmentally appropriate program. The assistant must carry out assigned tasks under the supervision of a lead teacher, program supervisor, director, assistant director, or licensee.

"ASTM" refers to the American Society for Testing and Materials.

"Bathroom" means a room containing a built-in, flush-type toilet.

"Bias" means a tendency to believe that some people or ideas are better than others that usually results in treating some people unfairly.

"Body of water" or **"bodies of water"** is a natural area or human-made area or device that contains or holds a depth of more than two inches of water. Examples include swimming pools, ditches, canals, fish ponds, water retention areas, excavations, and quarries.

"CACFP" means the Child and Adult Care Food Program established by Congress and funded by the United States Department of Agriculture (USDA).

"Cannabis" (also known as "marijuana") refers to all parts of the cannabis plant, whether growing or not, the seeds thereof, the resin or concentrate extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

"Capacity" means the maximum number of children an early learning provider is authorized by the department to have in care at any given time. This includes any children on-site at the early learning program and any children in transit to or from the program or other activities such as field trips while the children are signed in to the care of the program.

"Center early learning program" is a facility providing regularly scheduled care for a group of children birth through twelve years of age for periods of less than twenty-four hours a day, pursuant to RCW 43.216.010 (1)(a) (child day care center).

"Center early learning program licensee" or **"center licensee"** means an entity licensed and authorized by the department to operate a center early learning program.

"Certificate of exemption (COE)" means a form that is approved by the Washington state department of health and consistent with the requirements of WAC 246-105-050(2), or an immunization form produced by the state immunization information system.

"Certificate of immunization status (child)" means a form that is approved by the Washington state department of health and consistent with the requirements of WAC 246-105-050(1), or an immunization form produced by the state immunization information system.

"Certification" means department approval of a person, home, or facility that is exempt from licensing but requests evidence that the program meets these foundational licensing standards.

"Child" means an individual who is younger than age thirteen, including any infant, toddler, preschool-age child, or school-age child as defined in this chapter.

"Child abuse" or **"neglect"** means the physical abuse, sexual abuse, sexual exploitation, abandonment, negligent treatment or maltreatment of a child by any person as defined in RCW 26.44.020.

"Child care" refers to supervision of children outside the child's home for periods of less than twenty-four hours a day.

"Child care basics" or **"CCB"** means curriculum designed to meet the initial basic training requirement for early learning program staff working in licensed or certified programs in Washington state. It serves as a broad introduction for professionals who are pursuing a career in the early care and education field.

"Chromated copper arsenate" or **"CCA"** is a wood preservative and insecticide that contains roughly twenty-two percent arsenic, a known carcinogen. The United States restricted the use of CCA on residential lumber in 2003, but it can still be found on older decks and playground equipment. Information about the health hazards of arsenic can be found on the department of health's website.

"Clean" or **"cleaning"** means to remove dirt and debris from a surface by scrubbing and washing with a detergent solution and rinsing with water. This process must be accomplished before sanitizing or disinfecting a surface.

"Confidential" means the protection of personal information, such as the child's records, from individuals who are not authorized to see or hear the information.

"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.

"Contagious disease" means an illness caused by an infectious agent of public health concern which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission through an intermediate host or vector, food, water, or air. Contagious diseases pertinent to this chapter are described in WAC 246-110-010.

"Continuous" means without interruptions, gaps, or stopping.

"Core competencies" are standards required by the department that detail what early learning providers need to know and are able to do to provide quality care and education for children and their families.

"CPSC" means the United States Consumer Product Safety Commission.

"Cultural" or **"culturally"** means in a way that relates to the ideas, customs, and social behavior of different societies.

"Curriculum philosophy" means a written statement of principles developed by an early learning provider to form the basis of the learning program of activities, including age appropriate developmental learning objectives for children.

"DCYF" or **"the department"** refers to the Washington state department of children, youth, and families.

"Developmental screening" is the use of standardized tools to identify a child at risk of a developmental delay or disorder. (Source: American Academy of Pediatrics, *Healthy Child Care America, 2009).*

"Developmentally appropriate" means:

(a) An early learning provider interacts with each child in a way that recognizes and respects the child's chronological and developmental age;

(b) Knowledge about how children grow and learn;

(c) Reflects the developmental level of the individual child; and

(d) Interactions and activities are planned with the developmental needs of the individual child in mind.

"Director" means the person responsible for the overall management of a center early learning program including the facility and operation.

"Disability" or **"disabilities"** has the same meaning in this chapter as in RCW 49.60.040(7), the Washington law against discrimination.

"Discipline" means a method used to redirect a child in order to achieve a desired behavior.

"Disinfect" means to eliminate virtually all germs from an inanimate surface by the process of cleaning and rinsing, followed by:

(a) The application of a fragrance-free chlorine bleach and water solution following the department of health's current guidelines for mixing bleach solutions for child care and similar environments; or

(b) The application of other disinfectant products registered with the EPA, if used strictly according to the manufacturer's label instructions including, but not limited to, quantity, time the product must be left in place, adequate time to allow the product to dry or rinsing if applicable, and appropriateness for use on the surface to be disinfected. Any disinfectant used on food contact surfaces or toys must be labeled "safe for food contact surfaces."

"Disinfectant" means a chemical or physical process that kills bacteria and viruses.

"Drinking water" or **"potable water"** is water suitable for drinking by the public as determined by the Washington state department of health or a local health jurisdiction.

"Dual language learners" refers to children who are learning two or more languages at the same time. This term includes children who learn two or more languages from birth, and children who are still mastering their home language when they are introduced to and start learning a second language. (Source: The *Washington State Early Learning and Development Guidelines.)*

"Early achievers" is a statewide system of high-quality early learning that connects families to early learning programs with the help of an easy to understand rating system and offers coaching, professional development, and resources for early learning providers to support each child's learning and development.

"Early childhood education (ECE) initial certificate" (twelve quarter credits) is Washington's initial certificate in early childhood education and serves as the point of entry for a career in early learning and covers foundational content for early learning professionals.

"Early childhood education (ECE) short certificate" (initial certificate plus eight quarter credits) is Washington's short certificate in early childhood education and offers areas of specialization, building on the state's initial certificate.

"Early childhood education (ECE) state certificate" (short certificate plus twenty-seven quarter credits) is Washington's state certificate in early childhood education and is the benchmark for Level 2 core competencies for early care and education professionals and prepares for the next step, an associate's degree in early childhood education.

"Early learning program" refers to regularly scheduled care for a group of children birth through twelve years of age for periods of less than twenty-four hours, licensed by the department.

"Early learning program space" means the licensed indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care.

"Early learning program staff" refers to all persons who work, substitute, or volunteer in an early learning program during hours when children are or may be present, excluding licensees.

"Early learning provider" or **"provider"** refers to an early learning licensee or designee who works in an early learning program during hours when children are or may be present. Designees include center directors, assistant directors, program supervisors, lead teachers, assistants, aides, and volunteers.

"ECEAP" or **"early childhood education and assistance program"** is a comprehensive preschool program that provides free services and support to eligible children and their families.

"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, attached to or logically associated with a record, and executed or adopted by a person with the intent to sign the record.

"Electronic workforce registry" refers to the Washington state department of children, youth, and families' current database of professional records of individual early learning providers.

"Emergency preparedness" means a continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action in an effort to ensure effective coordination in case of emergencies or during incident response.

"Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.216.325(3). An early learning provider may contest enforcement actions and seek an adjudicative proceeding pursuant to chapter 110-03 WAC.

"EPA" means the United States Environmental Protection Agency.

"Equivalency" when referring to staff qualifications means an individual is allowed to meet the requirements of this chapter through a department recognized alternative credential, or demonstration of competency, that indicates similar knowledge as the named credential.

"Exempt" or **"exemption"** means, as applied to immunizations, a type of immunization status where a child has not been fully immunized against one or more vaccine preventable diseases required by chapter 246-105 WAC for full immunization due to medical, religious, philosophical or personal reasons. Under chapter 362, Laws of 2019, if a child plans on attending or is attending a center early learning program, a philosophical or personal objection may not be used to exempt a child from the measles, mumps, and rubella vaccine.

"Expel" or **"expulsion"** means to end a child's enrollment in an early learning program. An early learning provider will end a child's enrollment if the provider is unable to meet a child's needs due to the child's challenging behavior.

"Family home early learning program" means an early learning program licensed by the department where a family home licensee provides child care or education services for twelve or fewer children in the

family living quarters where the licensee resides as provided in RCW 43.216.010 (1)(c) (family day care provider).

"Family home early learning program licensee" or **"family home licensee"** means an individual licensee authorized by the department to operate a family home early learning program within the licensee's family living quarters.

"Family living quarters" means a family home licensee or applicant's residence and other spaces or building on the premises.

"Food worker card" means a food and beverage service worker's permit as required under chapter 69.06 RCW.

"Foundational quality standards" refers to the administrative and regulatory requirements contained within this chapter. These standards are designed to promote the development, health, and safety of children enrolled in center and family home early learning programs. The department uses these standards to equitably serve children, families, and early learning providers throughout Washington state.

"Good repair" means about eighty percent of materials and components are unbroken, have all their pieces, and can be used by children as intended by the manufacturer or builder.

"Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of Washington state to provide health care in the ordinary course of business or practice of a profession.

"Household member" means one or more individuals who live in the same dwelling or share living arrangements, and may consist of family relatives or other groups of people.

"Immunization" is the process of administering a vaccine to make a person immune or resistant to an infectious disease.

"Inaccessible to children" means a method to prevent a child from reaching, entering, using, or getting to items, areas, or materials of an early learning program.

"Inactive" when used by the department to indicate a licensing status, means early learning providers who have requested and have been approved to temporarily cease caring for children and close their early learning program.

"Individual care plan" means a specific plan to meet the individual needs of a child with a food allergy, special dietary requirement due to a health condition, other special needs, or circumstances.

"Infant" is a child birth through eleven months of age.

"In-service training" means professional development requirements for continuing education delivered or approved by the department to maintain staff standards and qualifications while employed as an early learning provider.

"Internal review process" has the same meaning in this chapter as in RCW 43.216.395, as now or hereafter amended.

"Lead teacher" means an early learning provider who works as the lead staff person in charge of a child or group of children and implements activity programs.

"License" means a permit issued by the department legally authorizing an applicant to operate an early learning program.

"Licensed space" means the indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care.

"Licensee" means an individual or legal entity listed on a license issued by the department, authorized to provide child care or early learning services in a center or family home setting.

"Lockdown" means restricted to an interior room with few or no windows while the facility or building is secured from a threat.

"Locking mechanism" means a lock that requires a key, tumbler, dial, passcode, touchpad, or similar device or method to lock and unlock.

"Modification" when used in reference to an early learning provider's licensing status, means an enforcement action by the department to change the conditions identified on a licensee's current license.

"Nonexpiring license" means a license that is issued to an early learning provider following the initial licensing period, pursuant to chapter 43.216 RCW.

"Operating hours" means the hours listed in an early learning program parent handbook when the program is open and providing care and services to children.

"Parent" or **"guardian"** means birth parent, custodial parent, foster parent, legal guardian or those authorized by the parent or entity legally responsible for the welfare of the child.

"Peer interaction" refers to relationships children have with one another, which includes how infants and toddlers play near one another and how preschoolers play together, communicate, and whether they fight or get along.

"Personal needs" means an early learning provider's toileting or medication needs. Personal needs do not include smoking or use of tobacco products, illegal drug use or misuse or prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in care unattended.

"Pest" means an animal, plant, or insect that has a harmful effect on humans, food, or living conditions.

"Pesticide" refers to chemicals used to kill pests.

"Pet" means a domestic or tamed animal or bird kept for companionship or pleasure.

"Physical barrier" means a nonclimbable fence or a wall that is at least five feet tall and has no openings greater than two inches or a gate or door that allows entry to and exit from a body of water and has the following requirements in addition to those already listed: A locking mechanism, a self-closing or self-latching device, and a device used to open the locks which is inaccessible to children but readily available to staff.

"Physical restraint" means holding a child as gently as possible for the minimum amount of time necessary to control a situation where that child's safety or the safety of others is threatened.

"Poison" includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or salt), or similar items that even in small quantities, are likely to cause injury or illness if it is swallowed or comes into contact with a child's skin, eyes, mouth, or mucus membranes.

"Premises" means the licensed and unlicensed space at the licensed address including, but not limited to, buildings, land, and residences.

"Preschool-age children" means children thirty months through six years of age not attending kindergarten or elementary school.

"Preservice training" means professional development standards or requirements for early learning program staff prior to hiring or within a department specified time frame and delivered or approved by the department.

"Private septic system" means a septic system as defined in chapter 246-272A WAC that is not connected to a public sewer system or a large on-site sewage system as defined in chapter 246-272B WAC. A private septic system includes, but is not limited to, the septic system's drain field and tanks.

"Probationary license" has the same meaning as in RCW 43.216.010(23).

"Professional development support plan" is a formal means by which an individual who is supervising staff sets out the goals, strategies, and outcomes of learning and training.

"Program supervisor" means the center early learning provider responsible for planning and supervising the learning and activity program.

"RCW" means the Revised Code of Washington.

"Readily available" means able to be used or obtained quickly and easily.

"Revocation" or **"revoke"** when used in reference to an early learning provider's licensing status, means an enforcement action by the department to close an early learning program and permanently remove the license.

"Routine care" means typical or usual care provided to a child during the time the child is enrolled in the early learning program (for example: Feeding, diapering, toileting, napping, resting, playing, and learning).

"Safe route" means a way or course taken to get from a starting point to a destination that is protected from danger or risk.

"Safety plan" means a written plan to implement program changes to bring an early learning program into compliance with this chapter and chapter 43.216 RCW. Safety plans are developed at meetings involving at least an early learning provider and a department licensor and supervisor. Safety plans detail changes the provider needs to make to mitigate the risk of direct and indirect harm to children enrolled in the early learning program. Program changes must be agreed to in writing and signed by all participants at the meeting. Safety plans expire thirty calendar days after being signed by all parties. Safety plans may only be extended for an additional thirty days and extensions may only be authorized by a department supervisor.

"Sanitize" means to reduce the number of microorganisms on a surface by the process of:

(a) Cleaning and rinsing with water at a high temperature pursuant to this chapter; or

(b) Cleaning and rinsing, followed by using:

(i) A fragrance-free chlorine bleach and water solution following the department of health's current guidelines for mixing bleach solutions for child care and similar environments; or

(ii) Other sanitizer product if it is registered with the EPA and used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, adequate time to allow the product to dry, and appropriateness for use on the surface to be sanitized. If used on food contact surfaces or toys, a sanitizer product must be labeled as "safe for food contact surfaces."

"School-age children" means a child not less than five years of age through twelve years of age who is attending kindergarten or elementary school.

"Screen time" means watching, using, or playing television, computer, video games, video or DVD players, mobile communication devices, or similar devices.

"Serious injury" means an injury resulting in an overnight hospital stay; a severe neck or head injury; choking or serious unexpected breathing problems; severe bleeding; shock or an acute confused state; sudden unconsciousness; dangerous chemicals in eyes, on skin, or ingested; near drowning; one or more broken bones; a severe burn requiring professional medical care; poisoning; or an overdose of a chemical substance.

"Shelter in place" means staff and children staying at the facility due to an external threat such as a storm, chemical or gas leak or explosion, or other event that prohibits the occupants from safely leaving the facility.

"Sign" means an individual formally placing their name or legal mark on a document by physical signature or electronic signature.

"Sleeping equipment" includes a bed, cot, mattress, mat, crib, bassinet, play yard or "pack and play" but does not include a car seat or infant swing.

"Special needs" is a term used for children who require assistance due to learning difficulties, physical disability, or emotional and behavioral difficulties and who have documentation in the form of an individual educational plan (IEP), individual health plan (IHP), 504 plan, or an individualized family service plan (IFSP).

"Staff" means any early learning provider providing care in the early learning program.

"Strengthening families program self-assessment" refers to a research informed approach to increase family strengths, enhanced child development, and reduce the likelihood of child abuse and neglect. It is based on engaging families, programs, and communities in building five protective factors:

(a) Parental resilience;
(b) Social connections;
(c) Knowledge of parenting and child development;
(d) Concrete support in times of need; and
(e) Social and emotional competence of children.

"Supervise" or **"supervision"** means an early learning provider must be able to see or hear the children they are responsible for at all times. Early learning providers must use their knowledge of each child's development and behavior to anticipate what may occur to prevent unsafe or unhealthy events or conduct, or to intervene in such circumstances as soon as possible. Early learning providers must also reposition themselves or the children to be aware of where children are and what they are doing during care. An early learning provider must reassess and adjust their supervision each time child care activities change. See "active supervision" for a heightened standard of care.

"Suspend" when used in reference to an early learning provider's licensing status, means an enforcement action by the department to temporarily stop a license in order to protect the health, safety, or welfare of enrolled children or the public.

"Swimming pool" means a pool that has a water depth greater than two feet (24 inches).

"Technical assistance" means a service provided to early learning providers by department staff or a contracted third party. The goal of technical assistance is to offer guidance, information, and resources

to help a provider fully comply with the licensing requirements of this chapter and chapter 43.216 RCW.

"Toddler" means a child twelve months through twenty-nine months of age.

"Transition" is the process or period of time to change from one activity, place, grade level, or sleeping arrangement to another.

"Tummy time" means placing an infant in a nonrestrictive prone position, lying on his or her stomach when not in sleeping equipment.

"Unlicensed space" means the indoor and outdoor areas of the premises not approved by the department as licensed space that the early learning provider must make inaccessible to the children during child care hours.

"Unsupervised access" as used throughout this chapter has the same meaning as in WAC 110-06-0020.

"Usable space" means the areas that are available at all times for use by children in an early learning program and meets licensing requirements.

"USDA" means the U.S. Department of Agriculture.

"Vapor product" means any:

(a) Device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

(b) Cartridge or container of a solution or substance intended to be used with or in such a device or to refill such a device; or

(c) Solution or substance intended for use in such a device including, but not limited to, concentrated nicotine, nonnicotine substances, or supplemental flavorings. This includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, hookahs, steam stones, vape pens, or similar products or devices, as well as any parts that can be used to build such products or services. "Vapor product" does not include any drug, device, or combination product approved for sale by the United States Food and Drug Administration that is marketed and sold for such approved purpose.

"Variance" is an official approval by the department to allow an early learning program to achieve the outcome of a rule or rules in this chapter in an alternative way than described due to the needs of a unique or specific program approach or methodology. The department may grant a request for variance if the proposed alternative provides clear and convincing evidence that the health, welfare, and safety of all enrolled children is not jeopardized. An early learning provider does not have the right to appeal the department's disapproval of request for variance under chapter 110-03 WAC. The provider may challenge a variance disapproval on a department form.

"Volunteer" includes any person who provides labor or services to an early learning provider but is not compensated with employment pay or benefits. A volunteer must never have unsupervised access to a child unless the volunteer is the parent or guardian of that child or is an authorized person pursuant to WAC 110-300-0345 (1)(c). "Unsupervised access" has the same meaning here as in WAC 110-06-0020.

"WAC" means the Washington Administrative Code.

"Wading pool" means a pool that has a water depth of less than two feet (24 inches).

"Waiver" is an official approval by the department allowing an early learning provider not to meet or satisfy a rule in this chapter due to specific needs of the program or an enrolled child. The department may grant a request for waiver if the proposed waiver provides

clear and convincing evidence that the health, welfare, and safety of all enrolled children is not jeopardized. An early learning provider does not have the right to appeal the department's disapproval of a waiver request under chapter 110-03 WAC. The provider may challenge a waiver disapproval on a department form.

"Walking independently" means an individual is able to stand and move easily without the aid or assistance of holding on to an object, wall, equipment, or another individual.

"Washington state early learning and development guidelines" refers to guidelines published by the department, the Washington state office of superintendent of public instruction (OSPI), and thrive Washington for children birth through third grade that outlines what children know and are able to do at different stages of their development.

"Water activities" means early learning program activities in which enrolled children swim or play in a body of water that poses a risk of drowning for children. Water activities do not include using sensory tables.

"Weapon" means an instrument or device of any kind that is used or designed to be used to inflect harm including, but not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet guns, air rifles, electronic or other stun devices, or fighting implements.

"Written food plan" is a document designed to give alternative food to a child in care because of a child's medical needs or special diet, or to accommodate a religious, cultural, or family preference. A parent or guardian and the early learning provider must sign a written food plan.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0005, filed 11/6/19, effective 12/7/19. WSR 18-14-078, recodified as § 110-300-0005, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0005, filed 6/30/18, effective 8/1/19. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, 43.215.201, and Governor Directive 16-06. WSR 17-10-032, § 170-300-0005, filed 4/26/17, effective 5/27/17.]

WAC 110-300-0010 License required. (1) An individual or entity that provides child care and early learning services for a group of children, birth through twelve years of age, must be licensed by the department, pursuant to RCW 43.216.295, unless exempt under RCW 43.216.010(2) and WAC 110-300-0025.

(2) The department must not license a department employee or a member of the employee's household if the employee is involved directly, or in an administrative or supervisory capacity in the:

(a) Licensing process;

(b) Placement of a child in a licensed early learning program; or

(c) Authorization of payment for the child in care.

(3) A license is required when an individual provides child care and early learning services in his or her family home:

(a) Outside the child's home on a regular and ongoing basis for one or more children not related to the licensee; or

(b) For preschool age children for more than four hours a day.

As used in this chapter, "not related" means not any of the relatives listed in RCW 43.216.010 (2)(a).

(4) The department may license a center located in a private family residence when the portion of the residence accessible to children is:

(a) Used exclusively for children during the center's operating hours or when children are in care; or

(b) Separate from the family living quarters.

[WSR 18-15-001, recodified as § 110-300-0010, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0010, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0011 License transfers. (1) Pursuant to RCW 43.216.305(1) and subject to this chapter, a full license issued under chapter 43.216 RCW may be transferred to a new licensee in the event of a transfer of ownership of a child care operation. A current licensee or applicant must apply to transfer a license using forms and methods determined by the department.

(2) A full license will remain valid and may be transferred to a new licensee if:

(a) The new licensee meets the requirements in RCW 43.216.305(2); and

(b) The department determines before the license transfer the new licensee's child care operation is substantially similar to or an improvement of the originally licensed child care operation.

(3) To determine whether the new licensee's child care operation is substantially similar to or an improvement of the original child care operation, the department must assess the following factors of the new child care operation:

(a) The physical environment and all anticipated changes or updates;

(b) The qualifications and number of all retained and newly hired staff members;

(c) The program operations and all anticipated changes or updates;

(d) The relation or connection, if any, between the original and new licensee; and

(e) Whether the new child care operation is able to comply with the licensing requirements described in chapter 43.216 RCW, this chapter, and chapter 110-06 WAC.

(4) The department will determine and disclose to the current licensee and new licensee whether the license is in good standing prior to transferring the license.

(5) At the request of the current licensee or the new licensee, the department will disclose the following license information from the last four years to one or both parties:

(a) A description of any valid complaints;

(b) A description of any instances that the department found noncompliance with the requirements contained in chapter 43.216 RCW, this chapter, and chapter 110-06 WAC;

(c) Safety plans (historical or in effect);

(d) Facility licensing compliance agreements (historical or in effect); and

(e) Enforcement actions levied or pending against this license.

(6) The current licensee or new licensee has the right to appeal the department's denial of a license transfer application by request-

ing an adjudicative proceeding (or "hearing") pursuant to the hearing rules detailed in chapter 110-03 WAC.

[Statutory Authority: RCW 43.216.065. WSR 20-21-010, § 110-300-0011, filed 10/8/20, effective 11/8/20.]

WAC 110-300-0015 Licensee absence. (1) In a family home early learning program, the licensee must have a written plan for when the licensee will be absent but the program remains open for the care of children. If a family home licensee is absent more than ten consecutive operating days, the licensee must submit a written notification to the department and each child's parent or guardian at least two business days prior to the planned absence.

(2) In a center early learning program, the licensee must have a written plan for when the director, assistant director, and program supervisor will be simultaneously absent but the program remains open for the care of children. If the director, assistant director, and program supervisor are simultaneously absent for more than ten consecutive operating days, an early learning provider must submit a written notification to the department and each child's parent or guardian at least two business days prior to the planned absence.

(3) A written notification under this section must include the following information:

(a) The time period of the absence;

(b) Emergency contact information for the absent early learning provider; and

(c) A written plan for program staff to follow that includes:

(i) A staffing plan that meets child-to-staff ratios;

(ii) Identification of a lead teacher to be present and in charge;

(iii) Early learning program staff roles and responsibilities;

(iv) How each child's needs will be met during the absence; and

(v) The responsibility for meeting licensing requirements.

(4) If a facility licensing compliance agreement (FLCA) is developed as a result of early learning program staff failing to comply with licensing regulations during an absence described in this section, an early learning provider must:

(a) Retrain early learning program staff on the foundational quality standards documented on the FLCA; and

(b) Document that the retraining occurred.

[WSR 18-15-001, recodified as § 110-300-0015, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0015, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0016 Inactive status—Voluntary and temporary closure. (1) If a center or family home licensee plans to temporarily close their early learning program for more than thirty calendar days, and this closure is a departure from the program's regular schedule, an early learning provider must submit a notification to go on inactive status to the department at least two business days prior to the planned closure. Notifications for inactive status must include:

(a) The date the early learning program will cease operating;

(b) The reasons why the licensee is going on inactive status; and

(c) A projected date the early learning program will reopen.

(2) The requirements of this section do not apply to licensed early learning programs that have temporary closures beyond thirty calendar days as part of their regular schedule, such as programs based on the school year or seasonal occupation.

(3) A licensee may not request inactive status during their first initial licensing period (six months) unless for an emergency.

(4) An early learning provider must inform parents and guardians that the program will temporarily close.

(5) An early learning provider is responsible for notifying the department of changes to program status including voluntary closures, new household members or staff, or other program changes. Program status updates must also be completed in the department's electronic system.

(6) Background check rules in chapter 110-06 WAC, including allegations of child abuse or neglect, will remain in effect during inactive status.

(7) After receiving a notice of inactive status, the department will:

(a) Place the license on inactive status;

(b) Inform the licensee that the license is inactive; and

(c) Notify the following programs of the inactive status:

(i) The department's child care subsidy programs;

(ii) USDA Child and Adult Care Food Program (CACFP); and

(iii) Early achievers, ECEAP, Head Start Grantee, and child care aware of Washington.

(8) A licensee is still responsible for maintaining annual compliance requirements during inactive status pursuant to RCW 43.216.305.

(9) If inactive status exceeds six months within a twelve-month period, the department must close the license for failing to comply with RCW 43.216.305(2). The licensee must reapply for licensing pursuant to RCW 43.216.305(3).

(10) The department may pursue enforcement actions after three failed attempts to monitor an early learning program if:

(a) The early learning provider has not been available to permit the monitoring visits;

(b) The monitoring visits were attempted within a three-month time period; and

(c) The department attempted to contact the provider by phone during the third attempted visit while still on the early learning premises.

(11) When a licensee is ready to reopen after a temporary closure, the licensee must notify the department in writing. After receiving notice of the intent to reopen, the department will:

(a) Conduct a health and safety visit of the early learning program within ten business days to determine that the provider is in compliance with this chapter;

(b) Activate the license and inform the licensee that the license is active; and

(c) Notify the following programs of the active status:

(i) The department's child care subsidy programs;

(ii) CACFP; and

(iii) Early achievers, ECEAP, Head Start Grantee, and child care aware of Washington.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0016, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0016, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0016, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0020 Unlicensed programs. (1) If the department suspects that an individual or agency suspected of providing unlicensed child care, the department must follow the requirements of RCW 43.216.360.

(2) If an individual decides to obtain a license, within thirty calendar days from the date of the department's notice in subsection (1) of this section, the individual or agency must submit a written agreement on a department form stating they agree to:

(a) Attend and participate in the next available department licensing orientation; and

(b) Submit a licensing application after completing orientation.

(3) The department's written notice under subsection (1) of this section must inform the individual or agency providing unlicensed child care:

(a) That the individual or agency must stop providing child care, pursuant to RCW 43.216.360;

(b) How to respond to the department;

(c) How to apply for a license;

(d) How a fine, if issued, may be suspended or withdrawn if the individual applies for a license;

(e) That the individual has a right to request an adjudicative proceeding (hearing) if a fine is assessed; and

(f) How to ask for a hearing, under chapter 34.05 RCW (Administrative Procedure Act), chapter 43.216 RCW, and chapter 110-03 WAC (department hearing rules).

(4) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in subsection (2) of this section within thirty calendar days from the date of the department's written notice, the department will post information on its website that the individual is providing child care without a license.

(5) A person providing unlicensed child care:

(a) Will be guilty of a misdemeanor pursuant to RCW 43.216.365; and

(b) May be subject to an injunction pursuant to RCW 43.216.355.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0020, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0020, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0020, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0025 Certified and exempt programs. (1) The department must not license a child care program that is legally exempt from licensing per RCW 43.216.010(2). However, if a child care program requests to become certified by the department, the department shall apply all licensing rules to the otherwise exempt program. In such a

case, the department shall apply licensing rules equally to licensed and certified child care programs.

(2) The department may certify an otherwise exempt child care program for subsidy payment without further inspection if the program is:

(a) Licensed by an Indian tribe, band, nation, or other organized community of Indians, including an Alaska native village as defined in 43 U.S.C. Sec. 1602(c), recognized as eligible for services by the United States Secretary of the Interior;

(b) Certified by the federal Department of Defense; or

(c) Approved by the office of superintendent of public instruction (OSPI).

(3) A child care program exempt from licensing pursuant to RCW 43.216.010(2) must use the department's form to submit their exempt status.

(4) A child care program requesting certification must be located on the premises over which the tribe, federal Department of Defense, or OSPI has jurisdiction.

(5) A child care program regulated by a tribe, the federal Department of Defense, or OSPI may request certification:

(a) For subsidy payment only; or

(b) As meeting foundational quality standards of this chapter.

(6) The department must not certify a department employee or a member of their household when the employee is involved directly, or in an administrative or supervisory capacity, in the:

(a) Certification process;

(b) Placement of a child in a certified program; or

(c) Authorization of payment for the child in care.

[WSR 18-15-001, recodified as § 110-300-0025, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0025, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0030 Nondiscrimination. (1) Early learning programs are defined by state law as places of public accommodation that must:

(a) Not discriminate in employment practices or client services based on race, creed, color, national origin, sex, honorably discharged veteran or military status, marital status, gender, sexual orientation, age, religion, or ability; and

(b) Comply with the requirements of the Washington law against discrimination (chapter 49.60 RCW) and the ADA.

(2) An early learning program must have a written nondiscrimination policy addressing at least the factors listed in subsection (1) of this section.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0030, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0030, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0030, filed 6/30/18, effective 8/1/19.]

CHILD OUTCOMES

WAC 110-300-0055 Developmental screening and communication to parents or guardians. (1) An early learning provider must inform parents or guardians about the importance of developmental screenings for each child from birth through age five.

(2) If not conducted on-site, an early learning provider must share information with parents or guardians about organizations that conduct developmental screenings such as a local business, school district, health care provider, specialist, or resources listed on the department website.

[WSR 18-15-001, recodified as § 110-300-0055, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0055, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0065 School readiness and family engagement activities. (1) At least once per calendar year, an early learning provider must supply to parents or guardians kindergarten or school readiness materials when developmentally appropriate for enrolled children.

(2) Kindergarten or school readiness materials must be the same or similar to resources posted online by OSPI, the department, or other equivalent organizations. These materials may address:

(a) Kindergarten transition activities, if applicable; and

(b) Developmentally appropriate local school and school district activities designed to engage families.

[WSR 18-15-001, recodified as § 110-300-0065, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0065, filed 6/30/18, effective 8/1/19.]

FAMILY ENGAGEMENT AND PARTNERSHIPS

WAC 110-300-0080 Family support self-assessment. An early learning provider must assess their program within one year of being licensed, or within six months of the date this section becomes effective, to identify ways to support the families of enrolled children. A provider must complete the strengthening families program self-assessment, or an equivalent assessment, applicable to the early learning program type (center or family home).

[WSR 18-15-001, recodified as § 110-300-0080, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0080, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0085 Family partnerships and communication. (1) An early learning provider must communicate with families to identify individual children's developmental goals.

(2) An early learning provider must attempt to obtain information from each child's family about that child's developmental, behavioral, health, linguistic, cultural, social, and other relevant information. The provider must make this attempt upon that child's enrollment and annually thereafter.

(3) An early learning provider must determine how the program can best accommodate each child's individual characteristics, strengths, and needs. The provider must utilize the information in subsection (2) of this section and seek input from family members and staff familiar with a child's behavior, developmental, and learning patterns.

(4) An early learning provider must:

(a) Attempt to discuss with parents or guardians information including, but not limited to:

(i) A child's strength in areas of development, health issues, special needs, and other concerns;

(ii) Family routines or events, approaches to parenting, family beliefs, culture, language, and child rearing practices;

(iii) Internal transitions within the early learning program and transitions to external services or programs, as necessary;

(iv) Collaboration between the provider and the parent or guardian in behavior management; and

(v) A child's progress, at least two times per year.

(b) Communicate the importance of regular attendance for the child;

(c) Give parents or guardians contact information for questions or concerns;

(d) Give families opportunities to share their language and culture in the early learning program;

(e) Arrange a confidential time and space for individual conversations regarding children, as needed;

(f) Allow parents or guardians access to their child during normal hours of operation, except as excluded by a court order; and

(g) Communicate verbally or in writing:

(i) Changes in drop-off and pickup arrangements as needed; and

(ii) Daily activities.

[WSR 18-15-001, recodified as § 110-300-0085, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0085, filed 6/30/18, effective 8/1/19.]

PROFESSIONAL DEVELOPMENT, TRAINING AND REQUIREMENTS

WAC 110-300-0100 General staff qualifications. All early learning providers must meet the following requirements prior to working:

(1) **Family home early learning program licensees** work from their private residence to provide early learning programing to a group of no more than twelve children present at one time.

(a) A family home licensee must meet the following qualifications upon application:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Complete the applicable preservice requirements pursuant to WAC 110-300-0105.

(b) A family home licensee must meet the following qualifications:

(i) Family home licensees must have an ECE initial certificate, or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) A family home licensee licensed prior to August 1, 2019, must complete an ECE initial certificate or equivalent within five years of the date this section becomes effective;

(B) A family home licensee licensed August 1, 2019, or later must complete an ECE initial certificate or equivalent within five years of licensure; and

(ii) Upon completion of the ECE initial certificate or equivalent, family home licensees must complete an ECE short certificate or equivalent within two years, as approved and verified in the electronic workforce registry by the department.

(A) If a family home licensee already has an existing ECE initial certificate or equivalent, the licensee must complete an ECE short certificate or equivalent within five years of licensure by the department.

(B) Beginning August 1, 2024, the family home licensee must complete an ECE short certificate or equivalent within three years.

(iii) Have their continued professional development progress documented annually.

(c) Family home licensees must provide the following services:

(i) Be on-site for the daily operation of the early learning program fifty percent or more of weekly operating hours, or designate a person with the qualifications of a family home licensee to be on-site when not present;

(ii) Comply with these foundational quality standards;

(iii) Develop a curriculum philosophy, communicate the philosophy to all early learning program staff and parents, and train staff to ensure the philosophy serves all children in the early learning program;

(iv) Have knowledge of community resources available to families, including resources for children with special needs and the ability to share these resources with families; and

(v) Oversee early learning program staff and support staff in creating and maintaining staff records.

(2) **Center early learning program licensees** must meet the requirements of a center director, listed in subsection (3) of this section, or hire a center director who meets the qualifications prior to being granted an initial license. Center licensees who fulfill the role of center director in their early learning program must complete all trainings and requirements for center directors.

(3) **Center directors or assistant directors** manage the early learning program and set appropriate program and staff expectations.

(a) A center director must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) A center director working at the time this chapter becomes effective must complete an ECE state certificate or equivalent within five years of the date this section becomes effective;

(B) A center director hired or promoted after this chapter becomes effective must have an ECE state certificate or equivalent within five years of the time of hire.

(iii) Have two years of experience as a teacher of children in any age group enrolled in the early learning program and at least six months of experience in administration or management or a department approved plan;

(iv) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105;

(v) If a center director does not meet the minimum qualification requirements, the center early learning program must employ an assistant director or program supervisor who meets the minimum qualifications of these positions;

(vi) Have their continued professional development progress documented annually.

(b) An assistant director must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) An assistant director working at the time this chapter becomes effective must complete an ECE state certificate or equivalent within five years of the date this section becomes effective;

(B) An assistant director hired or promoted after this chapter becomes effective must have an ECE state certificate or equivalent within five years of the time of hire.

(iii) Have two years of experience as a teacher of children in any age group enrolled in the early learning program or two years of experience in administration or management, or a department approved plan;

(iv) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105;

(v) Have their continued professional development progress documented annually.

(c) A center director or assistant director or equivalent must provide the following services:

(i) Be on-site for the daily operation of the early learning program fifty percent or more of weekly operating hours up to forty hours per week, or designate a person with the qualifications of an assistant director, program supervisor, or equivalent. A center director may act as a substitute teacher if acting as a substitute does not interfere with management or supervisory responsibilities;

(ii) Comply with foundational quality standards;

(iii) Develop a curriculum philosophy, communicate the philosophy to all early learning program staff and parents, and train staff to ensure the philosophy serves all children in the early learning program (or designate a program supervisor with this responsibility);

(iv) Have knowledge of community resources available to families, including resources for children with special needs and be able to share these resources with families; and

(v) Oversee professional development plans for early learning program staff including, but not limited to:

(A) Providing support to staff for creating and maintaining staff records;

(B) Setting educational goals with staff and locating or coordinating state-approved training opportunities for staff; and

(C) Observing and mentoring staff.

(4) **Center program supervisors** plan the early learning program services under the oversight of a center director or assistant director.

(a) A program supervisor must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent within five years of the date this section becomes effective or from the time of hire or promotion, if a director or assistant director does not have an ECE state certificate or equivalent as required by this section;

(iii) Have two years of experience as a teacher of children in any age group enrolled in any early learning program;

(iv) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105; and

(v) Have their continued professional development progress documented annually.

(b) A program supervisor performs the following duties:

(i) Guide the planning of curriculum philosophy, implementation, and environmental design of the early learning program;

(ii) Comply with foundational quality standards;

(iii) Act as a teacher or director as long as it does not interfere with the program supervisor's primary responsibilities; and

(iv) Manage the professional development plans and requirements for staff as needed.

(c) One person may be the center director, assistant director, and the program supervisor when qualified for all positions, provided that all requirements of subsection (3)(a) and (b) of this section are met.

(5) Any individual hired or promoted into a position detailed in subsections (2), (3), and (4) of this section who does not have an ECE state certificate or equivalent as required under subsections (3)(a)(ii), (b)(ii), and (4)(a)(ii) of this section must instead meet the following requirement as approved and verified in the electronic workforce registry by the department:

If a center is licensed for this number of children:	Then the director, assistant director, or program supervisor must have completed at least this number of college quarter credits in early childhood education core competencies:
(a) 12 or fewer	10
(b) 13 to 24	25
(c) 25 or more	45

(6) **Lead teachers** are responsible for implementing the center or family home early learning program. Lead teachers develop and provide a nurturing and responsive learning environment that meets the needs of enrolled children.

(a) A lead teacher must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105.

(b) A center lead teacher must meet the following requirements:

(i) Have an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or five years

from being employed or promoted into this position at any licensed early learning program;

(ii) Progress towards an ECE short certificate or equivalent. A center lead teacher hired after this chapter becomes effective must have an ECE short certificate within two years of receiving an ECE initial certificate, or seven years from being employed or promoted into this position at any licensed early learning program; and

(iii) Have their professional development progress documented annually.

(c) A family home lead teacher must meet the following requirements:

(i) Have an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or from being employed or promoted into this position at any licensed early learning program;

(ii) Prior to being in charge of their early learning program fifty percent or more of the time, a family home lead teacher must meet the qualifications of the family home licensee and complete or be registered in orientation training required in WAC 110-300-0105(1); and

(iii) Have their professional development progress documented annually.

(7) **Assistant teachers** help a lead teacher or licensee provide instructional support to children and implement developmentally appropriate programs in center or family home early learning programs.

(a) An assistant teacher must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Have a minimum of an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or from being employed or promoted to this position at any licensed early learning program;

(iv) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105; and

(v) Have their professional development progress documented annually.

(b) Assistant teachers may work alone with children with regular, scheduled, and documented oversight and on-the-job classroom training from the classroom's assigned lead teacher who is primarily responsible for the care of the same group of children for the majority of their day.

(c) For continuity of care, assistant teachers can act as a substitute lead teacher up to two weeks. If longer than two weeks, the provider must notify the department with a plan to manage the classroom.

(8) **Aides** provide classroom support to an assistant teacher, lead teacher, program supervisor, center director, assistant director, or family home licensee. Aides must meet the following qualifications:

(a) Be at least fourteen years old;

(b) Have a high school diploma or equivalent, or be currently enrolled in high school or an equivalent education program;

(c) Complete the applicable preservice requirements, pursuant to WAC 110-300-0105;

(d) Have their professional development progress documented annually; and

(e) Aides may be counted in the staff-to-child ratio if they are working under the continuous oversight of a lead teacher, program supervisor, center director, assistant director, assistant teacher, or family home licensee.

(i) Aides working nineteen or fewer hours per month can be counted towards staff-to-child ratio with applicable preservice requirements pursuant to WAC 110-300-0105 but without in-service training requirements pursuant to WAC 110-300-0107 (1)(a).

(ii) Aides who work more than nineteen hours per month and who have a cumulative twelve months of employment must complete applicable preservice requirements detailed in WAC 110-300-0105 and the in-service training detailed in WAC 110-300-0107 (1)(a).

(9) **Other personnel** who do not directly care for children and are not listed in subsections (1) through (8) of this section must meet the following qualifications:

(a) Complete and pass a background check, pursuant to chapter 110-06 WAC;

(b) Have a negative TB test, pursuant to WAC 110-300-0105; and

(c) Complete program based staff policies and training, pursuant to WAC 110-300-0110.

(10) **Volunteers** help at early learning programs. Volunteers must meet the following qualifications:

(a) Be at least fourteen years old (volunteers must have written permission to volunteer from their parent or guardian if they are under eighteen years old);

(b) Work under the continuous oversight of a lead teacher, program supervisor, center director, assistant director, assistant teacher, or family home licensee;

(c) Regular, ongoing volunteers may count in staff-to-child ratio if they:

(i) Complete and pass a background check, pursuant to chapter 110-06 WAC;

(ii) Complete a TB test, pursuant to WAC 110-300-0105;

(iii) Complete the training requirements, pursuant to WAC 110-300-0106;

(iv) Complete program based staff policies and training, pursuant to WAC 110-300-0110; and

(v) Have their professional development progress documented annually.

(d) Occasional volunteers must comply with (a) and (b) of this subsection and cannot count in staff-to-child ratio. Occasional volunteers may include, but are not limited to, a parent or guardian helping on a field trip, special guest presenters, or a parent or guardian, family member, or community member helping with a cultural celebration.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-11-026, § 110-300-0100, filed 5/13/20, effective 6/13/20. Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0100, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0100, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0100, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0105 Preservice requirements. (1) All applicants, coapplicants, family home licensees, center directors, assistant directors, and program supervisors must complete a department provided orientation for the applicable early learning program. Prior to being in charge of the early learning program fifty percent of the time or more, those newly promoted or assuming a role of one of the roles listed here must complete or be registered in orientation training.

(2) Early learning providers and household members in a family home early learning program must complete a department background check, pursuant to chapter 110-06 WAC.

(3) Early learning providers, including volunteers and household members in a family home early learning program ages fourteen and over, must provide documentation signed within the last twelve months by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:

(a) A negative TB symptom screen and negative TB risk assessment;

(b) A previous positive FDA-approved TB test and a current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program; or

(c) A positive symptom screening or a positive risk assessment with documentation of:

(i) A current negative FDA-approved TB test;

(ii) A previous or current positive FDA-approved TB test; and

(iii) A current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program.

(4) Upon notification of TB exposure, early learning providers may be required to be retested for TB as directed by the local health jurisdiction.

[WSR 18-15-001, recodified as § 110-300-0105, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0105, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0106 Training requirements. (1) Early learning providers licensed, working, or volunteering in an early learning program before the date this section becomes effective must complete the applicable training requirements of this section within three months of the date this section becomes effective unless otherwise indicated. State or federal rules may require health and safety training described under this chapter to be renewed annually. Early learning providers hired after the date this section becomes effective must complete the training requirements of subsections (4) through (10) of this section within three months of the date of hire and prior to working in an unsupervised capacity with children.

(2) License applicants and early learning providers must register with the electronic workforce registry prior to being granted an initial license or working with children in an unsupervised capacity.

(3) License applicants, center directors, assistant directors, program supervisors, lead teachers, assistant teachers, and aides must complete the child care basics training as approved or offered by the department:

(a) Prior to being granted a license;

(b) Prior to working unsupervised with children; or

(c) Within three months of the date this section becomes effective if already employed or being promoted to a new role.

(4) Early learning providers must complete the recognizing and reporting suspected child abuse, neglect, and exploitation training as approved or offered by the department according to subsection (1) of this section. Training must include the prevention of child abuse and neglect as defined in RCW 26.44.020 and mandatory reporting requirements under RCW 26.44.030.

(5) Early learning providers must complete the emergency preparedness training as approved or offered by the department (applicable to the early learning program where they work or volunteer) according to subsection (1) of this section.

(6) Early learning providers licensed to care for infants must complete the prevention and identifying shaken baby syndrome/abuse head trauma training as approved or offered by the department according to subsection (1) of this section.

(7) Early learning providers must complete the serving children experiencing homelessness training as approved or offered by the department according to subsection (1) of this section.

(8) License applicants and early learning providers licensed to care for infants must complete the safe sleep training as approved or offered by the department. This training must be completed annually and:

(a) Prior to being licensed;

(b) Prior to caring for infants; or

(c) According to subsection (1) of this section.

(9) Family home licensees, center directors, assistant directors, program supervisors, and lead teachers must complete the medication management and administration training as approved or offered by the department prior to giving medication to an enrolled child, or as indicated in subsection (1) of this section.

(10) Early learning providers who directly care for children must complete the prevention of exposure to blood and body fluids training that meets Washington state department of labor and industries' requirements prior to being granted a license or working with children. This training must be repeated pursuant to Washington state department of labor and industries regulations.

(11) Family home licensees, center directors, assistant directors, program supervisors, lead teachers, assistant teachers, and any other early learning providers counted in staff-to-child ratio, or who could potentially be counted in ratio, must be trained in first-aid and cardiopulmonary resuscitation (CPR).

(a) Proof of training can be shown with a certification card, certificate, or instructor letter.

(b) The first-aid and CPR training and certification must:

(i) Be delivered in person and include a hands-on component for first aid and CPR demonstrated in front of an instructor certified by the American Red Cross, American Heart Association, American Safety and Health Institute, or other nationally recognized certification program;

(ii) Include child and adult first-aid and CPR; and

(iii) Infant first-aid and CPR, if applicable.

(12) Early learning providers who prepare or serve food to children at an early learning program must obtain a current food worker card prior to preparing or serving food. Food worker cards must:

(a) Be obtained through the local health jurisdiction, in person or online; and

(b) Be renewed prior to expiring.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-11-026, § 110-300-0106, filed 5/13/20, effective 6/13/20. WSR 18-15-001, recodified as § 110-300-0106, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0106, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0107 In-service training. (1) An early learning provider must complete ten hours of annual in-service training after twelve months of cumulative employment.

(a) Family home licensees, center directors, assistant directors, program supervisors, lead teachers, and assistant teachers must complete the department enhancing quality of early learning (EQEL) in-service training within thirty-six months of being hired in a licensed facility, unless the provider has completed a department approved alternative training. EQEL hours may count towards the ten hours of annual in-service training.

(b) Every thirty-six months, following the completion of EQEL or a department approved alternative training, family home licensees, center directors, assistant directors, and program supervisors, must complete a minimum of ten hours of in-service training "child development" and a minimum of ten hours of in-service training on "leadership practices."

(i) Child development training includes the following Washington state core competencies: Child growth and development, curriculum and learning environment, ongoing measurements of child progress, family and community partnerships, health, safety, nutrition, and interactions.

(ii) Leadership practices training includes the following Washington state core competencies: Program planning and development, professional development, and leadership.

(2) In-service training requirements of this chapter may be met by completing college courses that align with the Washington state core competencies. These courses must be delivered by a postsecondary institution and approved by the department.

(3) Only five in-service training hours that exceed the requirements of subsection (1) of this section may be carried over from one fiscal year to the next fiscal year.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0107, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0107, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0107, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0110 Program based staff policies and training. (1) An early learning provider must have and follow written policies for early learning program staff. Staff policies must include those listed in subsections (2) and (3) of this section and must be reviewed and approved by the department prior to issuing a provider's initial license. Providers must notify the department when substantial changes are made.

(2) Early learning program staff policies must include, but are not limited to:

(a) All of the information in the parent or guardian handbook except fees;

(b) Job descriptions, pay dates, and benefits;

(c) Professional development expectations and plans;

(d) Expectations for attendance and conduct;

(e) Early learning program staff responsibilities for:

(i) Child supervision requirements, including preventing children's access to unlicensed space;

(ii) Child growth and development;

(iii) Developmentally appropriate curriculum;

(iv) Teacher-child interaction;

(v) Child protection, guidance, and discipline techniques;

(vi) Safe sleep practices, if applicable;

(vii) Food service practices;

(viii) Off-site field trips, if applicable;

(ix) Transporting children, if applicable;

(x) Health, safety, and sanitization procedures;

(xi) Medication management procedures;

(xii) Medical emergencies, fire, disaster evacuation and emergency preparedness plans;

(xiii) Mandatory reporting of suspected child abuse, neglect, and exploitation, per RCW 26.44.020 and 26.44.030 and all other reporting requirements;

(xiv) Implementation of child's individual health care or special needs plan;

(xv) Following nonsmoking, vaping, alcohol and drug regulations;

(xvi) Overnight care, if applicable;

(xvii) Religious, equity and cultural responsiveness;

(xviii) Nondiscrimination;

(xviv) Planned daily activities and routines.

(f) Staff responsibilities if the family home licensee, center director, assistant director, or program supervisor is absent from the early learning program;

(g) A plan that includes how both administrative and child caretaking duties are met when a job requires such dual responsibilities; and

(h) Observation, evaluation, and feedback policies.

(3) An early learning provider must have and follow written policies requiring staff working, transitioning, or covering breaks with the same classroom or group of children to share applicable information with each other on a daily basis regarding:

(a) A child's health needs, allergies and medication;

(b) Any change in a child's daily schedule;

(c) Significant educational or developmental information;

(d) Any communications from the family; and

(e) Information to be shared with the family.

(4) An early learning provider must develop, deliver, and document the delivery of early learning staff training specific to the early learning program and premises.

(a) Training topics must include:

(i) Staff policies listed in subsections (2) and (3) of this section;

(ii) Chapter 43.216 RCW; and

(iii) Chapters 110-300 and 110-06 WAC.

(b) Training must be updated with changes in program policies and state or federal regulations.

[WSR 18-15-001, recodified as § 110-300-0110, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0110, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0111 Staff oversight. (1) An early learning provider who oversees staff must:

(a) Establish a work plan with clear expectations;

(b) Be aware of what staff members are doing; and

(c) Be available and able to respond in an emergency as needed to protect the health and safety of children in care.

(2) When the family home licensee, center director, assistant director, program supervisor, lead teacher, or assistant teacher is the only staff supervising an aide or volunteer, the aide or volunteer may be out of the supervisor's visual and auditory range only when the aide, volunteer or supervisor is attending to personal needs.

[WSR 18-15-001, recodified as § 110-300-0111, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0111, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0115 Staff records. (1) An early learning provider must establish a records system for themselves, household members, staff, and volunteers that complies with the requirements of this chapter. Early learning program staff records must be:

(a) Verified by the licensee, center director, assistant director, or program supervisor;

(b) Entered and maintained in the electronic workforce registry, if applicable. Paper records may be discarded once entered into the electronic workforce registry and confirmed by the department;

(c) Updated to delete staff names from the electronic workforce registry when no longer employed at the early learning program; and

(d) Kept on-site or in the program's administrative office in a manner that allows the department to review the records.

(2) Records for each early learning provider and staff member must include:

(a) First and last name;

(b) Date of birth;

(c) Job title;

(d) First and last day of employment, if applicable;

(e) Proof of professional credentials, requirements, and training for each early learning staff member, pursuant to WAC 110-300-0100 through 110-300-0110.

(3) A licensee, center director, assistant director, or program supervisor must maintain the following records for each early learning provider and program staff in a confidential manner. These records must be reviewable by the department and must include at a minimum:

(a) A copy of current government issued photo identification;

(b) Emergency contact information;

(c) Completed employment application or resume;

(d) Annual observation, evaluation, and feedback information;

(e) The licensee's Social Security number, federal EIN, or a written document stating the licensee does not possess either; and

(f) Immunization records including exemption documents (center early learning programs only).

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0115, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0115, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0115, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0120 Providing for personal, professional, and health needs of staff. (1) A licensee must provide for the personal and professional needs of staff by:

(a) Having a secure place to store personal belongings that is inaccessible to children;

(b) Having a readily accessible phone to use for emergency calls or to contact the parents of enrolled children; and

(c) Providing file and storage space for professional materials.

(2) An early learning provider must be excluded from the early learning premises when that provider's illness or condition poses a risk of spreading a harmful disease or compromising the health and safety of others. The illnesses and conditions that require a staff member to be excluded are pursuant to WAC 110-300-0205.

(3) If a staff person has not been vaccinated, or shown documented immunity to a vaccine preventable disease, that person may be required by the local health jurisdiction or the department to remain off-site during an outbreak of a contagious disease described in WAC 246-110-010. A center early learning program staff person or volunteer who has not been vaccinated against measles, mumps, and rubella or shown proof of immunity from measles must not be allowed on the center early learning premises except as provided in (a) and (b) of this subsection.

(a) A center early learning program may allow a person to be employed or volunteer on the center early learning premises for up to thirty calendar days if the person signs a written attestation that the employee or volunteer has received the measles, mumps, and rubella vaccine, or is immune from measles, but requires additional time to obtain and provide his or her immunization records. The required records must include immunization records indicating the employee or volunteer has received the measles, mumps, and rubella vaccine; or records that show proof of immunity from measles through documentation of laboratory evidence of antibody titer or a health care provider's attestation of the person's history of measles sufficient to provide immunity against measles.

(b) A center early learning program may allow a person to be employed or volunteer on the center early learning premises if the person provides the center early learning program with a written certification signed by a health care practitioner, as defined in RCW 28A.210.090(3), that the measles, mumps, and rubella vaccine is, in the practitioner's judgment, not advisable for the person. This subsection (3)(b) does not apply if a person's health care practitioner determines that the measles, mumps, and rubella vaccine is no longer contraindicated.

(4) An early learning program's health policy, pursuant to WAC 110-300-0500, must include provisions for excluding or separating

staff with a contagious disease described in WAC 246-110-010, as now and hereafter amended.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0120, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0120, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0120, filed 6/30/18, effective 8/1/19.]

ENVIRONMENT

Space and Furnishings

WAC 110-300-0130 Indoor early learning program space. (1) Indoor early learning program space must be accessible during program operating hours.

(2) Early learning program space, ramps, and handrails must comply with, be accessible to, and accommodate children and adults with disabilities as required by the Washington law against discrimination (chapter 49.60 RCW) and the ADA, as now and hereafter amended.

(3) Early learning program space must allow children to move between areas without disrupting another child's work or play.

(4) A family home licensee must provide a signed and dated declaration form annually stating that the early learning program meets the following requirements, as applicable, in unlicensed space:

(a) Furnace area safety, or smoke or carbon monoxide detector requirements pursuant to WAC 110-300-0170(3);

(b) Guns, weapons, or ammunition storage pursuant to WAC 110-300-0165 (2)(e);

(c) Medication storage pursuant to WAC 110-300-0215;

(d) Refrigerator or freezer pursuant to WAC 110-300-0165 (3)(d);

(e) Storage areas that contain chemicals, utility sinks, or wet mops pursuant to WAC 110-300-0260; or

(f) Swimming pools under WAC 110-300-0175.

[WSR 18-15-001, recodified as § 110-300-0130, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0130, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0135 Routine care, play, learning, relaxation, and comfort. (1) An early learning provider must have accessible and child-size furniture and equipment (or altered and adapted in a family home early learning program) in sufficient quantity for the number of children in care. Tables must not be bucket style.

(2) Furniture and equipment must be:

(a) Maintained in a safe working condition;

(b) Developmentally and age appropriate;

(c) Visually inspected at least weekly for hazards, broken parts, or damage. All equipment with hazardous, broken parts, or damage must

be repaired as soon as possible and must be inaccessible to children until repairs are made according to the manufacturer's instructions, if available;

(d) Arranged in a way that does not interfere with other play equipment;

(e) Installed and assembled according to manufacturer's specifications;

(f) Stored in a manner to prevent injury; and

(g) Accessible to the child's height so that he or she can find, use, and return materials independently.

(3) An early learning provider must supply soft furnishings in licensed space accessible to children. Soft furnishings may include, but are not limited to, carpeted areas and area rugs, upholstered furniture, cushions or large floor pillows, and stuffed animals.

[WSR 18-15-001, recodified as § 110-300-0135, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0135, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0140 Room arrangement, child-related displays, private space, and belongings. (1) Early learning materials and equipment must be visible, accessible to children in care, and must be arranged to promote and encourage independent access by children.

(2) An early learning provider must display age and developmentally appropriate early learning materials. Materials must be located at enrolled children's eye level and related to current activities or curriculum.

(3) An early learning provider must offer, or allow a child to create, a place for privacy. This space must:

(a) Allow the provider to supervise children; and

(b) Include an area accessible to children who seek or need time alone or in small groups.

(4) An early learning provider must have extra clothing available for children who wet, soil, or have a need to change clothes.

(5) An early learning provider must supply individual storage space for each child's belongings while in attendance. At a minimum, the space must be:

(a) Accessible to the child; and

(b) Large enough and spaced sufficiently apart from other storage space to:

(i) Store the child's personal articles and clothing; and

(ii) Promote or encourage children to organize their possessions.

(6) Child usable and accessible areas must be arranged to provide sufficient space for routine care, child play, and learning activities. These areas must be designed to:

(a) Allow the provider to supervise or actively supervise the children, depending on the nature of the activities;

(b) Allow children to move freely; and

(c) Allow for different types of activities at the same time (for example: Blocks, puppets, language and literary materials, art materials, clay or play dough, music and movement, or dramatic play).

[WSR 18-15-001, recodified as § 110-300-0140, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter

42.56 RCW. WSR 18-14-079, § 170-300-0140, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0145 Outdoor early learning program space. (1) An early learning provider must visually inspect outdoor program space and equipment daily to ensure outdoor areas and equipment are free of hazards.

(2) Outdoor play space must contain a minimum of seventy-five square feet of licensed usable space per child accessing the play space at any given time. An early learning provider may develop an alternate plan if an early learning program does not have enough outdoor play space to accommodate all enrolled children at once (for example, rotating groups of children to play outdoors or using an off-site play area). The department must approve alternate plans to use off-site play spaces.

(3) An early learning program must have shaded areas in outdoor play space provided by trees, buildings, or shade structures.

(4) Outdoor play space must promote a variety of age and developmentally appropriate active play areas for children in care. Activities must encourage and promote both moderate and vigorous physical activity such as running, jumping, skipping, throwing, pedaling, pushing, pulling, kicking, and climbing.

(5) When the licensed outdoor play space is not immediately adjacent to the early learning program site, an early learning provider must use a safe route when moving to and from the licensed outdoor play space.

(6) Licensed outdoor play areas must be enclosed with a fence or barrier that is intended to prevent children from exiting and discourages climbing. If the outdoor play area is enclosed by a barrier that is not a fence, the barrier may be a wall constructed with brick, stone, or a similar material.

(7) Licensed outdoor play areas must be enclosed to deter people without permission from entering the area.

(8) Fences, barriers, and gates must be in good condition, have no gap through which a sphere with a diameter of three and one-half inches can pass, and have a minimum height of forty-eight inches or conform in height to applicable local codes.

(9) The opening between a fence post and gate or fence post and building must have no gap through which a sphere with a diameter of three and one-half inches can pass.

(10) An early learning provider must not install any wooden fence, playground structure, or furniture if it contains chromated copper arsenate (CCA), creosote or pentachlorophenol. If wooden fences, structures, and furniture are suspected of having CCA, they must be tested. If CCA is present, fences, structures, and furniture must be removed or sealed with an oil-based outdoor sealant annually or as needed within six months of the date this section becomes effective.

(11) Within six months of the date this section becomes effective or prior to licensing, exiting mechanisms on gates from a licensed outdoor play area to unlicensed space must be equipped with a self-closing and self-latching mechanism (shuts automatically when released from an individual's control). A gate that is not an emergency exit must be locked or self-closing and self-latching.

(12) Outdoor play areas must have two exits that must not be partially or entirely blocked, with at least one exit located away from the building.

[WSR 18-15-001, recodified as § 110-300-0145, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0145, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0146 Equipment and surfaces in outdoor early learning space. (1) Playground equipment and surfacing used by an early learning provider must comply with applicable CPSC guidelines, as now and hereafter amended including, but not limited to, installing, arranging, designing, constructing, and maintaining outdoor play equipment and surfacing.

(a) Climbing play equipment must not be placed on or above concrete, asphalt, packed soil, lumber, or similar hard surfaces;

(b) The ground under swings and play equipment must be covered by a shock absorbing material (grass alone is not an acceptable) such as:

(i) Pea gravel at least nine inches deep;

(ii) Playground wood chips at least nine inches deep;

(iii) Shredded recycled rubber at least six inches deep; or

(iv) Any material that has a certificate of compliance, label, or documentation stating it meets ASTM standards F1292-13 and F2223-10, as now and hereafter amended.

(2) Permanently anchored outdoor play equipment must not be placed over septic tank areas or drain fields, and must be installed according to the manufacturer's directions.

(3) Handmade playground equipment must be maintained for safety or removed when no longer safe. Prior to construction of new handmade playground equipment, the provider must notify the department and have plans and a materials list available upon request.

(4) Bouncing equipment including, but not limited to, trampolines, rebounders and inflatable equipment must be inaccessible and locked. This requirement does not apply to bounce balls designed to be used by individual children.

[WSR 18-15-001, recodified as § 110-300-0146, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0146, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0147 Weather conditions and outdoor hazards. (1) An early learning provider must observe weather conditions and other possible hazards to take appropriate action for child health and safety. Conditions that pose a health or safety risk may include, but are not limited to:

(a) Heat in excess of 100 degrees Fahrenheit or pursuant to advice of the local authority;

(b) Cold less than 20 degrees Fahrenheit, or pursuant to advice of the local authority;

(c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger;

(d) Earthquake;

(e) Air quality emergency ordered by a local or state authority on air quality or public health;

(f) Lockdown notification ordered by a public safety authority; and

(g) Other similar incidents.

(2) An early learning provider must dress children for weather conditions during outdoor play time.

[WSR 18-15-001, recodified as § 110-300-0147, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0147, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0148 Gardens in outdoor early learning program space. (1) A garden in an early learning program space must:

(a) Have safeguards in place to minimize risk of cross-contamination by animals;

(b) Use soil free from agricultural or industrial contaminants such as lead or arsenic if gardening directly in the ground;

(c) If gardening in raised beds use:

(i) New soil that is labeled "organic" or "safe for children" and was obtained from a gardening supply store or other retail store; or

(ii) Composted soil made from material that is safe according to the Washington State University's extension master gardener composting guidelines; and

(d) Use water that comes from a private well approved by the local health jurisdiction or from a public water system. An early learning provider must make water for gardens inaccessible to children if the provider uses irrigation water.

(2) Garden beds must be made of materials that will not leach chemicals into the soil including, but not limited to, wood treated with chromated copper arsenate, creosote or pentachlorophenol, reclaimed railroad ties, or tires.

(3) Any herbicide or pesticide must be applied pursuant to the product manufacturer's directions. The product must not be applied while children are present. Children must not apply the product, or have access to the garden during the manufacturer's prescribed waiting period following application.

(4) Commonplace toxic plants or plants with poisonous leaves (for example: Tomato, potato, or rhubarb) may be grown in the garden. An early learning provider must actively supervise children who are able to access a garden where commonplace toxic plants or plants with poisonous leaves are growing.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0148, filed 7/1/19, effective 8/1/19. WSR 18-14-078, recodified as § 110-300-0148, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, 43.215.201, and Governor Directive 16-06. WSR 17-10-032, § 170-300-0148, filed 4/26/17, effective 5/27/17.]

Activities

WAC 110-300-0150 Program and activities. (1) An early learning provider must supply children in care with early learning materials that are age and developmentally appropriate. For each age group of children in care, a provider must supply a variety of materials that

satisfy individual, developmental, and cultural needs. Early learning materials must be:

(a) Clean;

(b) Washable or disposable;

(c) Accommodating to a range of abilities of children in care;

(d) Available to children in care appropriate to a child's age and developmental level;

(e) Nonpoisonous and free of toxins. If an early learning provider is using prepackaged art materials, the materials must be labeled "non-toxic" and meet ASTM standard D-4236 as described in 16 C.F.R. 1500.14 (b)(8)(i), as now and hereafter amended;

(f) In good and safe working condition;

(g) Accommodating to special needs of children in care; and

(h) Removed from the early learning program space once an item has been recalled by CPSC.

(2) An early learning provider must ensure a sufficient quantity and variety of materials to engage children in the early learning program (for example: Arts and crafts supplies, various textured materials, construction materials, manipulative materials, music and sound devices, books, and social living equipment). Materials must:

(a) Encourage both active physical play and quiet play activities;

(b) Promote imagination and creativity;

(c) Promote language development and literacy skills;

(d) Promote numeracy (counting and numbers) and spatial ability;

(e) Encourage discovery and exploration; and

(f) Promote learning skills.

[WSR 18-15-001, recodified as § 110-300-0150, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0150, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0155 Use of television, video, and computers. If an early learning provider offers screen time to children in care:

(1) The screen time available for each child:

(a) Must be educational, developmentally and age appropriate, nonviolent, and culturally sensitive; and

(b) Should be interactive with staff.

(2) Children must not be required to participate in screen time activities. Alternative activities must be provided to children in care when screen time is offered.

(3) Screen time must not occur during scheduled meals or snacks.

(4) Total screen time must not exceed two and one-half hours per week for each child over twenty-four months of age through preschool in full-day care (one and one-quarter hours per child in half-day care).

(5) For school-age children, screen time must be limited to two and one-half hours per week for each child unless computer use is required for homework or a part of curriculum.

(6) There must not be intentional screen time for children under twenty-four months of age. An infant or toddler must be redirected from an area where screen time is displayed.

[WSR 18-15-001, recodified as § 110-300-0155, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter

42.56 RCW. WSR 18-14-079, § 170-300-0155, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0160 Promoting acceptance of diversity. (1) An early learning provider must provide culturally and racially diverse learning opportunities. Diverse learning opportunities must be demonstrated by the provider's curriculum, activities, and materials that represent all children, families, and staff. A provider must use equipment and materials that include, but are not limited to:

(a) Diverse dolls, books, pictures, games, or materials that do not reinforce stereotypes;

(b) Diverse music from many cultures in children's primary languages; and

(c) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders.

(2) An early learning provider must intervene appropriately to stop biased behavior displayed by children or adults including, but not limited to:

(a) Redirecting an inappropriate conversation or behavior;

(b) Being aware of situations that may involve bias and responding appropriately; and

(c) Refusing to ignore bias.

[WSR 18-15-001, recodified as § 110-300-0160, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0160, filed 6/30/18, effective 8/1/19.]

Safety

WAC 110-300-0165 Safety requirements. (1) An early learning provider must keep indoor and outdoor early learning program space, materials, and equipment free from hazards and in safe working condition. Equipment and toys purchased and used must be compliant with CPSC guidelines or ASTM standards, as now and hereafter amended. Playground equipment and surfaces must meet the requirements of WAC 110-300-0146.

(2) An early learning provider must take steps to prevent hazards to children including, but not limited to:

(a) Making inaccessible to infants and toddlers any equipment, material, or objects that may pose a risk of choking, aspiration, or ingestion. For the purposes of this section, equipment, material, or objects that have a diameter or overall dimension of one and three-quarter inches or less shall be considered items that may pose a risk of choking, aspiration, or ingestion. Small parts from larger equipment, material, or objects that have a diameter or overall dimension of one and three-quarter inches or less, that may become detached from the larger equipment, materials, or object shall also be considered items that may pose a risk of choking, aspiration, or ingestion;

(b) Eliminating and not using in the licensed space, pursuant to RCW 43.216.380, any window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing risk of strangulation to children.

(i) Window blinds and other window coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are allowed; and

(ii) A window covering must not be secured to the frame of a window or door used as an emergency exit in a way that would prevent the window or door from opening easily.

(c) Making inaccessible to children straps, strings, cords, wires, or similar items capable of forming a loop around a child's neck that are not used during supervised early learning program activities;

(d) Making inaccessible to children plastic bags and other suffocation hazards;

(e) Ensuring firearms, guns, weapons, and ammunition are not on the premises of a center early learning program. Firearms, guns, weapons, and ammunition on the premises of a family home early learning program must be stored in a locked gun safe or locked room inaccessible to children. If stored in a locked room, each gun must be stored unloaded and with a trigger lock or other disabling device. The locked room must be inaccessible to children at all times;

(f) Preventing children from walking into or through a glass door, window, or other glass barrier, by placing stickers or art work at the children's eye level on the glass; and

(g) Cribs, play pens, bassinets, infant beds, and indoor climbing structures must not be placed next to windows, to prevent harm from shattered glass, unless the window is made of safety glass.

(3) An early learning provider must take measures intended to prevent other hazards to children in care in early learning program space including, but not limited to:

(a) **Cuts, abrasions, and punctures.** Equipment, materials, and other objects on the premises that have splintered edges, sharp edges, points, protruding nails, bolts, or other dangers must be repaired, removed, or made inaccessible to children;

(b) **Burns.** Equipment, materials, or products that may be hot enough to injure a child must be made inaccessible to children;

(c) **Sheering, crushing, or pinching.** Broken or cracked equipment, materials, and objects must be repaired, removed, or made inaccessible to children;

(d) **Entrapment.** Freezers, refrigerators, washers, dryers, compost bins, and other entrapment dangers must be inaccessible to children unless being actively supervised;

(e) **Tripping.** Tripping hazards must be eliminated. Uneven walkways, damaged flooring or carpeting, or other tripping hazards must be removed or repaired;

(f) **Falling objects.** Large objects that pose a risk of falling or tipping must be securely anchored. Large objects include, but are not limited to, televisions, dressers, bookshelves, wall cabinets, sideboards or hutches, and wall units; and

(g) **Equipment in poor condition.** Equipment in poor condition (loose parts, rusty parts, flaking paint, or other dangers) must be repaired, removed, or made inaccessible to children.

(4) To ensure a safe environment for children in care, an early learning provider must comply with the following requirements:

(a) **Indoor temperatures for the premises.** The temperature of indoor early learning licensed space must be between 68 and 82 degrees Fahrenheit. If indoor licensed space is colder than 68 or hotter than 82 degrees Fahrenheit, an early learning provider must use climate

control devices that are inaccessible to children to bring the temperature within the required range;

(b) **Window openings.** Windows within the reach of children must only open up to three and one-half inches or have some barrier or preventative measure to discourage children from exiting through the window. The three and one-half inch opening does not apply to exit windows in family home early learning programs;

(c) **Licensed space lighting.** Early learning program space must have natural or artificial light that provides appropriate illumination for early learning program activities and supervision. A provider must comply with all light fixture manufacturers' installation and use requirements. A provider must also ensure compliance with the following requirements:

(i) Light fixtures must have shatter-resistant covers or light bulbs;

(ii) Lights or light fixtures used indoors must be designed for indoor use only;

(iii) Free standing lamps must be attached or secured to prevent tipping; and

(iv) Halogen lamps and bulbs are prohibited.

(d) **Safe noise levels.** Noise levels must be maintained at a level in which a normal conversation may occur;

(e) **Safe water temperature.** All water accessible to enrolled children must not be hotter than 120 degrees Fahrenheit;

(f) **Stairway safety.**

(i) There must not be clutter or obstructions in the stairway;

(ii) All stairways (indoor and outdoor), not including play structures, must meet local building codes pursuant to RCW 43.216.340.

(A) Open stairways with no walls on either side must have handrails with slats (balusters) that prevent a child from falling off either side of the stairway.

(B) Stairways with a wall on only one side must have a handrail with slats (balusters) on the side without the wall that prevents a child from falling off the stairway.

(C) Stairways with a wall on both sides must have a handrail no higher than thirty-eight inches on at least one side of the stairway.

(iii) Stairways must have a pressure gate, safety gate or door to keep stairs inaccessible to infants and toddlers when not in use. Openings between slats on pressure or safety gates must not be large enough to allow a sphere that is three and one-half inches wide to pass through.

(g) **Platforms and decks.** All platforms and decks used for child care activities must meet local building codes pursuant to RCW 43.216.340. This does not include play equipment. All platforms and decks with a drop zone of more than eighteen inches must have guardrails in sections without steps.

(5) To ensure a safe environment for children in care, an early learning provider must comply with the following electrical requirements:

(a) In areas accessible to children, electrical outlets must have automatic shutters that only allow electrical plugs to be inserted (tamper-resistant) or that are covered by blank plates or other tamper-resistant covers appropriate to the electrical outlet;

(b) Outlets near sinks, tubs, toilets, or other water sources must be inaccessible to children or be tamper-resistant and equipped with a ground fault circuit interrupter (GFCI) outlet type;

(c) Electrical cords must be in good working condition, not torn or frayed, and not have any exposed wires;

(d) Electrical cords must be plugged directly into a wall outlet or a surge protector;

(e) Power strips with surge protectors may be used but must not be accessible to children in care;

(f) Extension cords may only be used for a brief, temporary purpose and must not replace direct wiring; and

(g) Electrical devices accessible to children must not be plugged into an electrical outlet near a water source such as sink, tub, water table, or swimming pool.

[WSR 18-15-001, recodified as § 110-300-0165, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0165, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0166 Emergency preparation and exiting. (1) To be properly prepared for an emergency, an early learning program must have an emergency preparedness plan pursuant to WAC 110-300-0470.

(2) An early learning provider must have the following in case of an emergency:

(a) A working flashlight or other emergency lighting device must be available for use as an emergency light source. Battery powered flashlights must have an extra set of batteries easily available; and

(b) A working telephone must be available for use with sufficient backup power to function for at least five hours.

(3) To ensure a safe exit from the premises during an emergency, the early learning provider must comply with the following requirements:

(a) Emergency exit doors must remain unlocked from the inside, but may be locked from the outside while the early learning program is open. The door handle must be of the type that can be opened from the inside without the use of a key, tools, or special knowledge, and must automatically unlock when the knob or handle is turned;

(b) Exit doors that are not designated as an emergency exit door may be locked during operating hours. Locking interior doors in early learning program space must be designed to be unlocked from either side. An unlocking device must be readily available;

(c) Exit doors must not be partially or entirely blocked; and

(d) Family home early learning programs must have at least one pivoting or side-hinged swinging exit door. Other exit doors may be sliding glass doors.

[WSR 18-15-001, recodified as § 110-300-0166, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0166, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0170 Fire safety. (1) An early learning provider must comply with the state building code, as now and hereafter amended, pursuant to RCW 19.27.031.

(2) An early learning provider must arrange for a fire safety inspection annually. A provider must arrange a fire safety inspection with a local government agency. If a local government agency is not

available to conduct a fire safety inspection, a provider must inspect for fire safety using the state fire marshal form.

(3) To ensure a safe environment for children in care, an early learning provider must comply with the following fire safety requirements:

(a) **Combustible materials.**

(i) Combustible materials must be properly discarded pursuant to local jurisdictions, removed from the premises, or properly stored in closed metal containers specifically designed to hold such combustible materials;

(ii) Combustible materials stored in a closed metal container must not be stored in the premises licensed space or any place that may be accessible to children in care;

(iii) Combustible materials include, but are not limited to, lint, gasoline, natural gas, diesel, fuel, propane, rags soaked in combustible materials, oils, chemicals, or solvents.

(b) **Furnaces and other heating devices.**

(i) Paper, rubbish, or other combustible materials must be at least three feet from furnaces, fireplaces, or other heating devices;

(ii) Furnaces and other heating devices must be inaccessible to children in care; and

(iii) An appliance or heating device that has a surface capable of burning a child or reaching 110 degrees Fahrenheit must be inaccessible to children in care unless a program activity involves such an appliance or device and children are being actively supervised.

(c) **Electrical motors.** Electrical motor fans and appliances must be regularly cleaned to prevent accumulation of dust or lint.

(d) **Open flame devices, candles, matches and lighters.**

(i) Except for the use of a gas kitchen range, open flame devices must not be used in early learning program space or any other space accessible to children in care during operating hours;

(ii) Candles must not be used during operating hours;

(iii) Matches and lighters must be inaccessible to children.

(e) **Portable heaters and generators.** Portable heaters or fuel powered generators must not be used inside early learning program space during operating hours.

(i) In case of an emergency, a generator may be used but must be placed at least twenty feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the premises or early learning space; and

(ii) Appliances must be plugged directly into a generator or into a heavy duty outdoor-rated extension cord that is plugged into a generator.

(f) **Fireplaces, woodstoves, or similar wood burning heating devices.** Chimneys, fireplaces, gas burning fireplaces, wood stoves or similar wood-burning devices must be inspected annually by a state or locally certified inspector, unless the provider submits to the department a written statement that the chimney, fireplace, wood stove or similar wood-burning device will not be used at any time.

(g) **Fire alarms and smoke and carbon monoxide detectors.**

(i) An early learning provider must have and maintain at least one smoke detector per licensed sleeping area and one per floor. Pursuant to the state building code, center early learning providers must comply with WAC 51-50-0907, as now and hereafter amended, and family early learning providers must comply with WAC 51-51-0314, as now and hereafter amended; and

(ii) An early learning provider must have and maintain carbon monoxide detectors. Pursuant to the state building code, center early learning providers must comply with WAC 51-50-0915, as now and hereafter amended, and family early learning providers must comply with WAC 51-51-0315, as now and hereafter amended.

(h) **Backup method to sound an alarm.** In addition to working smoke detectors, an early learning provider must have another method to alert all staff and enrolled children of a fire, emergency situation, or drill.

(i) **Extinguishers.** An early learning provider must have and maintain working fire extinguishers that are marked with a minimum rating of 2A:10 BC.

(i) Fire extinguishers must be located pursuant to the state building code chapter 51-54A WAC, as now and hereafter amended, and must be readily available for use in case of an emergency;

(ii) Fire extinguishers must be located on each level of the early learning program space used by children and mounted within seventy-five feet of an exit next to the path of the exit; and

(iii) If a fire extinguisher is mounted in a closet, there must be a sign indicating the location of the extinguisher and obstructions must not block access to the closet.

(j) **Monthly inspections.** An early learning provider must involve staff responsible for different groups of children or individual classrooms during monthly inspections. At least once per month, a provider must inspect the premises to identify possible fire hazards and eliminate any hazards found including, but not limited to:

(i) Fire extinguishers;

(ii) Smoke detectors;

(iii) Alternate alarms; and

(iv) Emergency lighting.

[WSR 18-15-001, recodified as § 110-300-0170, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0170, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0175 Water hazards and swimming pools. To prevent injury or drowning and ensure the health and safety of children, an early learning provider must comply with the requirements described in this section.

(1) The following bodies of water must be inaccessible to children in care by using a physical barrier with a locking mechanism in compliance with WAC 246-260-031(4):

(a) Swimming pools when not being used as part of the early learning program, hot tubs, spas and jet tubs;

(b) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools or similar bodies of water; and

(c) Uncovered wells, septic tanks, wastewater, wastewater tanks, below grade storage tanks, farm manure ponds or other similar hazards.

(2) An early learning provider must comply with the following requirements when using a swimming pool as part of the early learning program:

(a) Comply with the supervision requirements of WAC 110-300-0350;

(b) Audible alarms must be on all doors, screens, and gates in licensed areas that lead to a swimming pool. The alarm must be suffi-

cient to warn staff when children enter the outdoor area and could access the swimming pool;

(c) Swimming pools must be maintained according to manufacturer specifications;

(d) Swimming pools must be cleaned and sanitized according to manufacturer instructions, chapter 246-260 WAC, and department of health or local health jurisdiction guidelines;

(e) A swimming pool must not be used if the main drain cover is missing; and

(f) Children in diapers or toilet training must wear swim pants to lower the risk of contaminating the water.

(3) Filtered wading pools must be inaccessible to children when not in use. Wading pools that do not have a filtering system are not permitted in the early learning program space.

(4) For bodies of water not located in early learning program space, but that are in close proximity, a physical barrier on the property must make such bodies of water inaccessible to children in care.

(5) Five gallon buckets or other similar containers must not be used for infant or toddler water play.

(6) If an early learning provider uses water tables or similar containers, the tables or containers must be emptied and sanitized daily, or more often if necessary.

[WSR 18-15-001, recodified as § 110-300-0175, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0175, filed 6/30/18, effective 8/1/19.]

Food and Nutrition

WAC 110-300-0180 Meal and snack schedule. (1) An early learning provider must serve meals and snacks to children in care as follows:

(a) Meals and snacks must be served not less than two hours and not more than three hours apart unless the child is asleep;

(b) Children in care for five to nine hours:

(i) At least one meal and two snacks; or

(ii) Two meals and one snack.

(c) Children in care for more than nine hours:

(i) Two meals and two snacks; or

(ii) Three snacks and one meal.

(d) After school snack, dinner, evening snack, and breakfast:

(i) A snack or meal must be provided to a child that arrives to the early learning program after school;

(ii) Dinner must be provided to children in nighttime care if a child is at an early learning program after his or her dinnertime, or has not had dinner;

(iii) An evening snack must be provided to children in nighttime care;

(iv) Breakfast must be provided to children in nighttime care if a child remains in care after the child's usual breakfast time; and

(v) A breakfast or morning snack must be available to children in care.

(2) At least once per day, an early learning provider must offer children an opportunity for developmentally appropriate tooth brushing activities.

(a) Tooth brushing activities must be safe, sanitary, and educational.

(b) Toothbrushes used in an early learning program must be stored in a manner that prevents cross contamination.

(c) The parent or guardian of a child may opt out of the daily tooth brushing activities by signing a written form.

[WSR 18-15-001, recodified as § 110-300-0180, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0180, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0185 Menus, milk, and food. To ensure proper nutrition of children in care, an early learning provider must comply with the child nutrition requirements described in this section.

(1) Meals, snack foods, and beverages provided to children in care must comply with the requirements contained in the most current edition of the *USDA Child and Adult Care Food Program (CACFP)* standards, or the *USDA National School Lunch and School Breakfast Program* standards.

(a) An early learning provider must supply dated menus.

(b) Food and beverage substitutions to a scheduled menu must be of equal nutritional value.

(c) An early learning provider must only serve water, unflavored milk or one hundred percent fruit or vegetable juice.

(d) An early learning provider must limit the consumption of one hundred percent fruit juice to no more than four to six ounces per day for children between one and six years old, and eight to twelve ounces per day for children seven through twelve years old.

(2) An early learning provider must serve a fruit or vegetable during at least one snack per day. The fruit and vegetable serving may count as one of the two required snack components or as a third snack component.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-11-027, § 110-300-0185, filed 5/13/20, effective 6/13/20. WSR 18-15-001, recodified as § 110-300-0185, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0185, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0186 Food allergies and special dietary needs. (1) An early learning provider must obtain written instructions (the individual care plan) from the child's health care provider and parent or guardian when caring for a child with a known food allergy or special dietary requirement due to a health condition. The individual care plan pursuant to WAC 110-300-0300 must:

(a) Identify foods that must not be consumed by the child and steps to take in the case of an unintended allergic reaction;

(b) Identify foods that can substitute for allergenic foods; and

(c) Provide a specific treatment plan for the early learning provider to follow in response to an allergic reaction. The specific treatment plan must include the:

(i) Names of all medication to be administered;

(ii) Directions for how to administer the medication;

(iii) Directions related to medication dosage amounts; and

(iv) Description of allergic reactions and symptoms associated with the child's particular allergies.

(2) An early learning provider must arrange with the parents or guardians of a child in care to ensure the early learning program has the necessary medication, training, and equipment to properly manage a child's food allergies.

(3) If a child suffers from an allergic reaction, the early learning provider must immediately:

(a) Administer medication pursuant to the instructions in that child's individual care plan;

(b) Contact 911 whenever epinephrine or other lifesaving medication has been administered; and

(c) Notify the parents or guardians of a child if it is suspected or appears that any of the following occurred, or is occurring:

(i) The child is having an allergic reaction; or

(ii) The child consumed or came in contact with a food identified by the parents or guardians that must not be consumed by the child, even if the child is not having or did not have an allergic reaction.

(4) Early learning providers must review each child's individual care plan information for food allergies prior to serving food to children.

[WSR 18-15-001, recodified as § 110-300-0186, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0186, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0190 Parent or guardian provided food and written food plans. (1) A written food plan must be developed by the provider and a child's parent or guardian, signed by all parties, and followed when accommodating a child's:

(a) Special feeding needs;

(b) Special diets;

(c) Religious or cultural preferences;

(d) Family preference; or

(e) Other needs.

(2) An early learning provider may allow or require parents or guardians to bring food for their child.

(3) If a parent or guardian provides meals for their child, an early learning provider must:

(a) Notify the parent or guardian in writing of the USDA CACFP requirements for each meal; and

(b) Supplement a child's meal that does not satisfy USDA CACFP requirements if necessary.

(4) On special occasions, such as birthdays, an early learning provider may allow parents or guardians to bring in snacks that may not satisfy the nutritional requirements for all children. The snacks provided must be limited to:

(a) Store purchased fruits and vegetables (uncut);

(b) Foods prepackaged in the original manufacturer containers; or

(c) Snacks prepared, cooked, or baked at home by parents or guardians of a child in care. Prior to serving, an early learning provider must receive written permission from each child's parent or

guardian stating their child may consume food prepared, cooked, or baked by another child's parent or guardian.

[WSR 18-15-001, recodified as § 110-300-0190, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0190, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0195 Food service, equipment, and practices. (1) An early learning provider preparing or serving food must comply with the current department of health *Washington State Food and Beverage Workers' Manual* and supervise services that prepare or deliver food to the early learning program.

(2) Snacks and meals must be prepared and served by an early learning provider who possesses a valid and current food worker card pursuant to WAC 110-300-0106(13).

(3) An early learning provider must:

(a) Supply durable and developmentally appropriate individual eating and drinking equipment, or developmentally appropriate single use disposable items;

(b) Clean and sanitize eating and drinking equipment after each use. Water cups or bottles must be cleaned and sanitized daily if designated for a single child;

(c) Ensure plastic eating and drinking equipment does not contain BPA (a chemical used in hard plastic bottles and as a protective lining in food and beverage cans) or have cracks or chips;

(d) Use gloves, utensils, or tongs to serve food;

(e) Serve meals or snacks on plates, dishware, containers, trays, or napkins or paper towels, if appropriate. Food should not be served directly on the eating surface; and

(f) Be respectful of each child's cultural food practices.

(4) An early learning provider must:

(a) Serve each child individually or serve family style dining, allowing each child the opportunity to practice skills such as passing shared serving bowls and serving themselves; and

(b) Sit with children during meals.

[WSR 18-15-001, recodified as § 110-300-0195, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0195, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0196 Food sources. (1) Food prepared and served from an early learning program must not be tampered with or spoiled.

(2) Food prepared and served from an early learning program must be obtained from an approved source licensed and inspected by the local health jurisdiction, the Washington state department of agriculture (WSDA), or the USDA. Food items not approved to be served to children in care include:

(a) Meat, fish, poultry, eggs, or milk that has not been inspected by the USDA or WSDA;

(b) Home canned food;

(c) Game meat or other meat that has not been inspected by the WSDA or USDA;

(d) Leftover food that was previously served from outside of the early learning program; or

(e) Food from roadside stands selling without a permit.

(3) Food not prepared on-site by an early learning provider, pursuant to WAC 110-300-0195(2), must be provided by:

(a) A licensed food establishment, kitchen, or catering business that meets food service requirements (chapter 246-215 WAC) and is regularly inspected by a local health jurisdiction;

(b) A parent or guardian for his or her own children; or

(c) A manufacturer of prepackaged food.

(4) Fruits and vegetables (produce) grown on-site in a garden as part of an early learning program may be served to children as part of a meal or snack. Prior to preparing and serving:

(a) The produce must be thoroughly washed and scrubbed in running cold water to remove soil and other contaminants;

(b) Damaged or bruised areas on the produce must be removed; and

(c) Produce that shows signs of rotting must be discarded.

[WSR 18-15-001, recodified as § 110-300-0196, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0196, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0197 Safe food practices. (1) Early learning providers must wash their hands, pursuant to WAC 110-300-0200.

(2) Early learning providers must store, prepare, cook, hold food, and wash dishes, pursuant to WAC 110-300-0195.

(3) For all foods offered by the provider or given to an enrolled child by a parent or guardian, the provider must:

(a) Provide appropriate refrigeration to preserve foods from spoiling. Foods that may be subject to spoiling include, but are not limited to, meats, cooked potatoes, cooked legumes, cooked rice, sprouts, cut melons, cut cantaloupes, milk, and cheese; and

(b) Refrigerate foods requiring refrigeration at 41 degrees Fahrenheit or less and freeze foods required to be frozen at 10 degrees Fahrenheit or less.

(4) Food must be stored as follows:

(a) In original containers or in clean, labeled, dated, and airtight food grade containers, if appropriate;

(b) Food not required to be refrigerated or frozen must not be stored directly on the floor;

(c) In a manner that prevents contamination;

(d) Food and food service items (such as utensils, napkins, and dishes) must not be stored in an area with toxic materials (such as cleaning supplies, paint, or pesticides);

(e) Food that is past the manufacturer's expiration or "best served by" date must not be served to enrolled children; and

(f) Raw meat must be stored in the refrigerator or freezer below cooked or ready to eat foods.

(5) For food requiring temperature control, a center early learning program must maintain a food temperature log by using a calibrated and working metal stem-type or digital food thermometer.

(6) Prior to storing leftover food in a refrigerator or freezer, an early learning provider must label the food with the date the leftover food was opened or cooked.

(7) An early learning provider may serve leftover food that originated from the early learning program if the leftover food was not previously served and:

(a) Refrigerated leftover food must be stored and then served again within forty-eight hours of originally being prepared; or

(b) Frozen leftover food must be promptly served after thawing and being cooked.

(8) Frozen food must be thawed by one of the following methods:

(a) In a refrigerator;

(b) Under cool running water inside a pan placed in a sink with the drain plug removed; or

(c) In a microwave if the food is to be cooked as part of the continuous cooking process.

[WSR 18-15-001, recodified as § 110-300-0197, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0197, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0198 Food preparation areas. (1) An early learning provider or staff must clean and sanitize food preparation areas and eating surfaces before and after each use, pursuant to WAC 110-300-0241 (1)(a).

(2) In an early learning program's food preparation area, kitchens must:

(a) Have walls, counter tops, floors, cabinets, and shelves that are:

(i) Maintained in good repair including, but not limited to, being properly sealed without chips, cracks, or tears; and

(ii) Moisture resistant.

(b) Have a properly maintained and vented range hood, exhaust fan, or operable window; and

(c) Have a properly maintained and working refrigerator, freezer, or a combination refrigerator and freezer with sufficient space for proper storage and cooling of food.

(3) An early learning provider must:

(a) Have at least eight feet between the food preparation area and any diaper changing tables or counters and sinks used for diaper changing;

(b) Clean and sanitize a sink immediately before using it to prepare food to be served to children in care;

(c) Use a colander or other method to prevent food and kitchen utensils from touching the sink basin; and

(d) Clean dishes, pans, baby bottles, and kitchen utensils as follows:

(i) Cleaning and sanitizing with an automatic dishwasher that uses heat or chemicals to sanitize; or

(ii) Handwashing, rinsing, sanitizing, and allowing to air dry.

(4) Center early learning programs licensed after the date this chapter becomes effective must have:

(a) A handwashing sink separate from dishwashing facilities;

(b) A food preparation sink located in the food preparation area; and

(c) A method to clean and sanitize dishes, pans, kitchen utensils, and equipment in the food preparation area using:

(i) A two-compartment sink and an automatic dishwasher that sanitizes with heat or chemicals; or

(ii) A three-compartment sink method (sink one is used to wash, sink two is used to rinse, sink three contains a sanitizer, and the dishes are allowed to air dry).

(5) An early learning provider may use the kitchen for actively supervised cooking or food preparation activities with children in care.

[WSR 18-15-001, recodified as § 110-300-0198, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0198, filed 6/30/18, effective 8/1/19.]

Health Practices

WAC 110-300-0200 Handwashing and hand sanitizer. (1) Early learning providers must comply with the following handwashing procedures or those defined by the United States Center for Disease Control and Prevention, and children should strongly be encouraged to:

(a) Wet hands with warm water;

(b) Apply soap to the hands;

(c) Rub hands together to wash for at least twenty seconds;

(d) Thoroughly rinse hands with water;

(e) Dry hands with a paper towel, single-use cloth towel, or air hand dryer;

(f) Turn water faucet off using a paper towel or single-use cloth towel unless it turns off automatically; and

(g) Properly discard paper single-use cloth towels after each use.

(2) An early learning provider must wash and sanitize cloth towels after a single use. Soiled and used towels must be inaccessible to children.

(3) To prevent children from being burned, air hand dryers must have a heat guard (barrier that prevents user from touching heating element) and turn off automatically.

(4) Early learning providers must wash their hands following the handwashing procedures listed above:

(a) When arriving at work;

(b) After toileting a child;

(c) Before and after diapering a child (use a wet wipe in place of handwashing during the middle of diapering if needed);

(d) After personal toileting;

(e) After attending to an ill child;

(f) Before and after preparing, serving, or eating food;

(g) Before preparing bottles;

(h) After handling raw or undercooked meat, poultry, or fish;

(i) Before and after giving medication or applying topical ointment;

(j) After handling or feeding animals, handling an animal's toys or equipment, or cleaning up after animals;

(k) After handling bodily fluids;

(l) After using tobacco or vapor products;

(m) After being outdoors;

(n) After gardening activities;

(o) After handling garbage and garbage receptacles; and

(p) As needed or required by the circumstances.

(5) Early learning providers must direct, assist, teach, and coach, children to wash their hands, using the steps listed above:

(a) When arriving at the early learning premises;

(b) After using the toilet;

(c) After diapering;

(d) After outdoor play;

(e) After gardening activities;

(f) After playing with animals;

(g) After touching body fluids such as blood or after nose blowing or sneezing;

(h) Before and after eating or participating in food activities including table setting; and

(i) As needed or required by the circumstances.

(6) Hand sanitizers or hand wipes with alcohol may be used for adults and children over twenty-four months of age under the following conditions:

(a) When proper handwashing facilities are not available; and

(b) Hands are not visibly soiled or dirty.

(7) Children must be actively supervised when using hand sanitizers to avoid ingestion or contact with eyes, nose, or mouths.

(a) Hand sanitizer must not be used in place of proper handwashing.

(b) An alcohol-based hand sanitizer must contain sixty to ninety percent alcohol to be effective.

[WSR 18-15-001, recodified as § 110-300-0200, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0200, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0205 Child, staff, and household member illness. (1) An early learning provider must observe all children for signs of illness when they arrive at the early learning program and throughout the day. Parents or guardians of a child should be notified, as soon as possible, if the child develops signs or symptoms of illness.

(2) If an early learning provider becomes ill, a licensee, center director, assistant director, or program supervisor must determine whether that person should be required to leave the licensed early learning space.

(3) When a child becomes ill, an early learning provider (or school nurse, if applicable) must determine whether the child should be sent home or separated from others. A provider must supervise the child to reasonably prevent contact between the ill child and healthy children.

(4) An ill child must be sent home or reasonably separated from other children if:

(a) The illness or condition prevents the child from participating in normal activities;

(b) The illness or condition requires more care and attention than the early learning provider can give;

(c) The required amount of care for the ill child compromises or places at risk the health and safety of other children in care; or

(d) There is a risk that the child's illness or condition will spread to other children or individuals.

(5) Unless covered by an individual care plan or protected by the ADA, an ill child, staff member, or other individual must be sent home or isolated from children in care if the ill individual has:

(a) A fever 101 degrees Fahrenheit for children over two months (or 100.4 degrees Fahrenheit for an infant younger than two months) by any method, and behavior change or other signs and symptoms of illness (including sore throat, earache, headache, rash, vomiting, diarrhea);

(b) Vomiting two or more times in the previous twenty-four hours;

(c) Diarrhea where stool frequency exceeds two stools above normal per twenty-four hours for that child or whose stool contains more than a drop of blood or mucus;

(d) A rash not associated with heat, diapering, or an allergic reaction;

(e) Open sores or wounds discharging bodily fluids that cannot be adequately covered with a waterproof dressing or mouth sores with drooling;

(f) Lice, ringworm, or scabies. Individuals with head lice, ringworm, or scabies must be excluded from the child care premises beginning from the end of the day the head lice, ringworm, or scabies was discovered. The provider may allow an individual with head lice, ringworm, or scabies to return to the premises after receiving the first treatment; or

(g) A child who appears severely ill, which may include lethargy, persistent crying, difficulty breathing, or a significant change in behavior or activity level indicative of illness.

(6) At the first opportunity, but in no case longer than twenty-four hours of learning that an enrolled child, staff member, volunteer, or household member has been diagnosed by a health care professional with a contagious disease pursuant to WAC 246-110-010(3), as now and hereafter amended, an early learning provider must provide written notice to the department, the local health jurisdiction, and the parents or guardians of the enrolled children.

(7) An early learning provider must not take ear or rectal temperatures to determine a child's body temperature.

(a) Providers must use developmentally appropriate methods when taking infant or toddler temperatures (for example, digital forehead scan thermometers or underarm methods);

(b) Oral temperatures may be taken for preschool through school-age children if single-use covers are used to prevent cross contamination; and

(c) Glass thermometers containing mercury must not be used.

(8) An early learning provider may readmit a child, staff member, volunteer or household member into the early learning program area with written permission of a health care provider or health jurisdiction stating the individual may safely return after being diagnosed with a contagious disease pursuant to WAC 246-110-010(3), as now and hereafter amended.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0205, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0205, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0205, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0210 Immunizations and exempt children. (1) Before attending an early learning program, a child must be vaccinated against or show proof of acquired immunity for the vaccine-preventable disease, pursuant to chapter 246-105 WAC. An early learning provider may accept children without proof of vaccinations or immunity as otherwise indicated in this section.

(2) Pursuant to WAC 246-105-050, an early learning provider must receive for each enrolled child:

(a) A current and complete department of health approved certificate of immunization status (CIS) form;

(b) A department approved certificate of exemption (COE) form, if applicable; or

(c) A current immunization record from the Washington state immunization information system (WA IIS).

(3) To accept a child who is not current with their immunizations, an early learning provider must give written notice to that child's parent or guardian stating the child may be accepted if the immunizations are completed consistent with chapter 246-105 WAC and:

(a) Prior to enrollment the parent or guardian provides written proof the child is scheduled to be immunized; or

(b) The parent or guardian provides a signed and dated statement detailing when the child's immunizations will be brought up to date.

(4) An early learning provider must maintain and update each child's records relating to immunizations or exemptions, or plans to bring immunizations current. These records must be available in the licensed space or easily accessible for review by department licensors, health specialists, and health consultants.

(5) An early learning provider may accept homeless or foster children into care without the records listed in this section if the child's family, caseworker, or health care provider offers written proof that he or she is in the process of obtaining the child's immunization records.

(6) An early learning provider must exclude a child from care according to the criteria listed in WAC 246-105-080.

(7) If an outbreak of a vaccine-preventable disease occurs within an early learning program, an early learning provider must notify the parents or guardians of children exempt from immunization for that disease and children without vaccination documents. A provider may exclude the child from the child care premises for the duration of the outbreak of that vaccine-preventable disease.

(8) An early learning provider may have a written policy stating children exempted from immunization by their parent or guardian will not be accepted into care unless that exemption is due to an illness protected by the ADA or WLAD or by a completed and signed COE.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0210, filed 7/1/19, effective 8/1/19. WSR 18-15-001, recodified as § 110-300-0210, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0210, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0215 Medication. (1) **Managing medication.** A medication management policy must include, but is not limited to, safe medication storage, reasonable accommodations for giving medication, mandatory medication documentation, and forms pursuant to WAC 110-300-0500.

(2) **Medication training.** An early learning provider must not give medication to a child if the provider has not successfully completed:

(a) An orientation about the early learning program's medication policies and procedures;

(b) The department standardized training course in medication administration that includes a competency assessment pursuant to WAC 110-300-0106(10) or equivalent training; and

(c) If applicable, a training from a child's parents or guardian (or an appointed designee) for special medical procedures that are part of a child's individual care plan. This training must be documented and signed by the provider and the child's parent or guardian (or designee).

(3) **Medication administration.** An early learning provider must not give medication to any child without written and signed consent from that child's parent or guardian, must administer medication pursuant to directions on the medication label, and using appropriate cleaned and sanitized medication measuring devices.

(a) An early learning provider must administer medication to children in care as follows:

(i) **Prescription medication.** Prescription medication must only be given to the child named on the prescription. Prescription medication must be prescribed by a health care professional with prescriptive authority for a specific child. Prescription medication must be accompanied with medication authorization form that has the medical need and the possible side effects of the medication. Prescription medication must be labeled with:

(A) A child's first and last name;

(B) The date the prescription was filled;

(C) The name and contact information of the prescribing health professional;

(D) The expiration date, dosage amount, and length of time to give the medication; and

(E) Instructions for administration and storage.

(ii) **Nonprescription oral medication.** Nonprescription (over-the-counter) oral medication brought to the early learning program by a parent or guardian must be in the original packaging.

(A) Nonprescription (over-the-counter) medication needs to be labeled with child's first and last name and accompanied with medication authorization form that has the expiration date, medical need, dosage amount, age, and length of time to give the medication. Early learning providers must follow the instructions on the label or the parent must provide a medical professional's note; and

(B) Nonprescription medication must only be given to the child named on the label provided by the parent or guardian.

(iii) **Other nonprescription medication:** An early learning provider must receive written authorization from a child's parent or guardian and health care provider with prescriptive authority prior to administering if the item does not include age, expiration date, dosage amount, and length of time to give the medication:

(A) Vitamins;

(B) Herbal supplements;

(C) Fluoride supplements;

(D) Homeopathic or naturopathic medication; and

(E) Teething gel or tablets (amber bead necklaces are prohibited).

(iv) **Nonmedical items.** A parent or guardian must annually authorize an early learning provider to administer the following nonmedical items:

(A) Diaper ointments (used as needed and according to manufacturer's instructions);

(B) Sunscreen;

(C) Lip balm or lotion;

(D) Hand sanitizers or hand wipes with alcohol, which may be used only for children over twenty-four months old; and

(E) Fluoride toothpaste for children two years old or older.

(v) An early learning provider may allow children to take his or her own medication with parent or guardian authorization. The early learning staff member must observe and document that the child took the medication.

(vi) An early learning provider must not give or permit another to give any medication to a child for the purpose of sedating the child unless the medication has been prescribed for a specific child for that particular purpose by a qualified health care professional.

(b) Medication documentation (excluding nonmedical items). An early learning provider must keep a current written medication log that includes:

(i) A child's first and last name;

(ii) The name of the medication that was given to the child;

(iii) The dose amount that was given to the child;

(iv) Notes about any side effects exhibited by the child;

(v) The date and time of each medication given or reasons that a particular medication was not given; and

(vi) The name and signature of the person that gave the medication.

(c) Medication must be stored and maintained as directed on the packaging or prescription label, including applicable refrigeration requirements. An early learning provider must comply with the following additional medication storage requirements:

(i) Medication must be inaccessible to children;

(ii) Controlled substances must be locked in a container or cabinet which is inaccessible to children;

(iii) Medication must be kept away from food in a separate, sealed container; and

(iv) External medication (designed to be applied to the outside of the body) must be stored to provide separation from internal medication (designed to be swallowed or injected) to prevent cross contamination.

(d) An early learning provider must return a child's unused medication to that child's parent or guardian. If this is not possible, a provider must follow the Food and Drug Administration (FDA) recommendations for medication disposal.

(e) An early learning provider must not accept or give to a child homemade medication, such as diaper cream or sunscreen.

[WSR 18-15-001, recodified as § 110-300-0215, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0215, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0220 Bathroom space and toilet training. (1) An early learning provider must provide at least one indoor bathroom in the licensed space that has the following:

(a) One working flush toilet.

(i) Toilets must be an appropriate height and size for enrolled children. A platform may be used to accommodate the height and size of children. Platforms must be easily cleanable and resistant to moisture and slipping.

(ii) Center early learning programs licensed after this chapter becomes effective must have one working flush toilet for every fifteen children and staff. A child in diapers does not count for purposes of toilet calculations until the child begins toilet training.

(iii) Toilets for staff may be located outside of licensed space on the premises.

(b) One working sink and faucet.

(i) Sinks and faucets must be an appropriate height and size for children. A platform may be used to accommodate the height and size of children. Platforms must be easily cleanable and resistant to moisture and slipping.

(ii) A faucet used for handwashing must provide warm running water.

(iii) Sinks and faucets must be located inside the bathroom or immediately outside the bathroom.

(iv) Sinks and faucets for staff may be outside of licensed space on the early learning premises.

(v) Water controls on bathroom sinks must be accessible for the intended user.

(vi) Bathroom sinks must not be used as a drinking source or for food preparation.

(vii) Center early learning programs must have one working sink and faucet for every fifteen children and staff.

(c) A means of providing privacy for children who demonstrate the need for privacy while toileting;

(d) A toilet paper dispenser for each toilet that is appropriate for the height and size of children;

(e) An operable window or exhaust fan; and

(f) An easily cleanable floor.

(i) Floors must have a washable surface;

(ii) Be resistant to moisture; and

(iii) Cleaned and disinfected daily, or more often as needed.

(2) If an early learning program space is equipped with a bathtub or shower, the provider must:

(a) Only give a bath or shower to a child with consent from that child's parent or guardian;

(b) Only use the bath or shower:

(i) To clean a child after an accident, such as diarrhea or vomiting; or

(ii) During overnight care hours.

(c) Ensure the area around a bathtub or shower is resistant to slipping or equipped with a conveniently located grab bar; and

(d) Keep the bathtub or shower inaccessible to children when not in use by children (in center early learning programs only).

(3) An early learning provider must discuss toilet training procedures with that child's parent or guardian when a child is ready for training. A provider must facilitate the toilet training process by encouraging the child with:

(a) Positive reinforcement (which may not include food items);

(b) Culturally sensitive methods;

(c) Developmentally appropriate methods; and

(d) A toilet training routine developed in agreement with the parent or guardian.

(4) An early learning provider may use a modified toilet seat if it is cleaned and disinfected using a safe disinfectant at least daily or more often if soiled.

(5) Toilet training equipment must be cleaned in a sink not used for food preparation, handwashing, or clean up.

(a) A family home early learning program may use a bathtub or multipurpose sink to clean toilet training equipment unless it is used for food preparation.

(b) The sink, basin, or bathtub in a family home early learning program used to clean toilet training equipment must be cleaned and disinfected after each use with a safe disinfectant.

(6) If a child is developmentally ready, and an early learning provider uses a stand-up diapering procedure, it must be done in the bathroom or a diaper changing area.

[WSR 18-15-001, recodified as § 110-300-0220, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0220, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0221 Diaper changing areas and disposal. (1) A center early learning provider must have a designated diaper changing area, including stand-up diapering, for each classroom or for every age grouping of children who require diapering. Only one diaper changing area is required at a family home early learning provider.

(a) A diaper changing area must:

(i) Be separate from areas where food is stored, prepared, or served;

(ii) Have a sink with hot and cold running water, not used for food preparation and clean up;

(iii) Have a sturdy surface or mat that:

(A) Is not torn or repaired with tape;

(B) Is washable;

(C) Has a moisture resistant surface that is cleanable; and

(D) Is large enough to prevent the area underneath the diaper changing area from being contaminated with bodily fluids.

(iv) Be on moisture resistant, washable material that horizontally or vertically surrounds and extends at least two feet from the diaper changing station and handwashing area; and

(v) Be uncluttered and not used for storage of any items not used in diapering a child.

(b) An early learning provider must not leave a child unattended on the diaper changing surface or mat during the diaper changing process;

(c) An early learning provider must not use safety belts on diaper changing tables because they are neither cleanable nor safe; and

(d) An early learning provider must post an easily viewable diaper changing procedure at each station and must follow each step described in the procedure.

(2) If an early learning provider uses a diaper changing station, the station must:

(a) Have a handwashing sink within arm's reach of, or be readily accessible to, an early learning provider to prevent cross contamination; and

(b) Be on moisture resistant, washable material that horizontally or vertically surrounds and extends at least two feet from the diaper changing station and handwashing area; and either:

(i) A table or counter large enough to accommodate the length of a child, with a protective barrier at least three and one-half inches high on all sides from the surface the child lays on; or

(ii) A wall mounted diaper changing station that meets manufacturer guidelines and specifications in addition to the requirements of this section.

(3) If an early learning provider uses reusable or cloth diapers, the diapers must:

(a) Not be rinsed;

(b) Be placed in a securely sealed moisture impervious bag;

(c) Be stored in a separate disposal container; and

(d) Be delivered to a commercial laundry service or given to the child's parent or guardian at least daily.

(4) An early learning provider must provide a container designated for disposing of soiled diapers and diapering supplies only. The diaper disposal container must be:

(a) Hands-free and covered with a lid to prevent cross contamination;

(b) Lined with a disposable plastic trash bag; and

(c) Within arm's length of the diaper changing area.

[WSR 18-15-001, recodified as § 110-300-0221, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0221, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0225 Pets and animals. (1) An early learning provider may have pets or other animals on the early learning program premises.

(2) If an early learning provider keeps pets or animals on the early learning program premises:

(a) The provider must have and follow a pet and animal policy; and

(b) Provide written notice to children's parents and guardians.

(3) Pets or other animals that have contact with children must:

(a) Have all required vaccinations, pursuant to local and county regulations;

(b) Show no signs of illness, disease, worms, or parasites. If these symptoms appear, the pet or animal must be removed from the licensed space until appropriately treated for the condition; and

(c) Be nonaggressive. If the pet or animal exhibits aggressive behavior, the pet or animal must be removed from the licensed space.

(4) An early learning provider must:

(a) Make reptiles and amphibians that are not part of the early learning program or activities inaccessible to enrolled children due to the risk of salmonella or other diseases;

(b) Require that chickens, ducks, turkeys, doves, pigeons, or other birds are caged, cooped, or penned outside early learning program space when children are in care, at a distance that prevents children from having direct access to the enclosures or waste;

(c) Cage indoor birds;

(d) Prevent debris from spilling out of a container or cage used for pets and animals, if applicable;

(e) Not allow pets and animals in the kitchen during food preparation and ensure pets and animals do not come into contact with food, food preparation, or serving areas while food is served;

(f) Not use a sink that is used for cleaning food or utensils to clean pet supplies;

(g) Not allow animals in rooms or areas typically used by infants or toddlers (center early learning programs only); and

(h) Store pet and animal medication separate from human medication.

(5) An early learning provider must require:

(a) Animals and pets to go to the bathroom outdoors if the animals do not have a designated indoor litter area. The designated outdoor area must be inaccessible to children in care;

(b) Pet containers and cages to be cleaned and disinfected at least weekly, or more often if needed;

(c) Litter boxes to be kept inaccessible to children and cleaned daily;

(d) Animal waste and litter to be disposed of as soon as possible and the area disinfected;

(e) Animal waste to be inaccessible to children;

(f) Animal waste to be disposed of in a manner that prevents children from coming into contact with the waste material;

(g) Animal waste, including fish tank water, must be disposed of in unlicensed space or toilets or custodial sinks. Toilets and custodial sink areas must be washed, rinsed, and disinfected after disposal; and

(h) Indoor and outdoor play space to be cleaned and disinfected where animal or bird waste or vomit is present. This must be done as soon as possible or prior to access by children.

[WSR 18-15-001, recodified as § 110-300-0225, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0225, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0230 First-aid—CPR certification and supplies. (1) Family home licensees, center directors, assistant directors, program supervisors, lead teachers, assistant teachers, and any other early learning providers counted in staff-to-child ratio, or who could potentially be counted in ratio, must have a current pediatric and adult first-aid and CPR certificate, pursuant to WAC 110-300-0106(11).

(2) An early learning provider must keep a complete first-aid kit in the licensed space, on any off-site trip, and in a vehicle used to transport children in care. A first-aid kit must:

(a) Be stored in a location that is easily accessible to staff;

(b) Be inaccessible to children;

(c) Be separate from food or chemicals;

(d) Be kept clean and sanitary;

(e) Be stored in a manner that prevents contamination; and

(f) Have sufficient supplies for the number of enrolled children and staff consistent with the early learning program's licensed capacity, or sufficient supplies for each room in the licensed space.

(3) A first-aid kit must include:
(a) Disposable nonporous protective nonlatex gloves;
(b) Adhesive bandages of various sizes;
(c) Small scissors;
(d) Tweezers;
(e) An elastic wrapping bandage;
(f) Sterile gauze pads;
(g) Ice packs;
(h) A disposable or mercury free thermometer that uses disposable sleeves, or is cleaned and sanitized after each use;
(i) A sling, or a large triangular bandage;
(j) Adhesive tape;
(k) A CPR barrier with a one-way valve or both an adult and pediatric CPR mask with a one-way valve;
(l) A current first-aid manual; and
(m) Hand sanitizer (for adult use only).

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-11-026, § 110-300-0230, filed 5/13/20, effective 6/13/20. WSR 18-15-001, recodified as § 110-300-0230, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0230, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0235 Safe water sources. (1) Hot and cold running water must be directly plumbed to the early learning program premises.
(2) An early learning provider must use a Washington state certified water laboratory accredited by the department of ecology to test the program water supply for lead and copper.
(a) All fixtures used to obtain water for preparing food or infant formula, drinking, or cooking must be tested prior to licensing approval and at least once every six years;
(b) Testing must be done pursuant to current environmental protection agency standards; and
(c) A copy of the water testing results must be kept on the licensed premises or in the program's administrative office.
(3) If the test results are at or above the current EPA lead action level, an early learning provider must do the following within twenty-four hours:
(a) Consult with department of health for technical assistance;
(b) Close the early learning program to prevent children from using or consuming water, or supply bottled or packaged water to meet the requirements of this chapter;
(c) Notify all parents and guardians of enrolled children of the test results;
(d) Notify the department of the water test results and steps taken to protect the enrolled children; and
(e) Notify the department once lead and copper levels are below the current EPA action level.
(4) If an early learning program space receives water from a private well, the well must comply with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells.
(a) Well water must be tested at least once every twelve months for *E. coli* bacteria and nitrates by a Washington state certified laboratory accredited by the department of ecology to analyze drinking water. To achieve desirable results the test must indicate:
(i) No presence of *E. coli* bacteria; and

(ii) The presence of less than ten parts per million (ppm) for nitrates. If test results for nitrates are greater than five but less than ten ppm, the water must be retested within six months.

(b) If well water tests positive for *E. coli* bacteria, or greater than ten ppm for nitrates, the provider must:

(i) Stop using the well water in the child care premises within twenty-four hours;

(ii) Inform the local health jurisdiction, the department of health, and the department of the positive test results; and

(iii) If directed to do so by the department, discontinue child care operations until repairs are made to the water system and water tests indicate desirable results pursuant to (a) of this subsection.

(c) If the department determines that child care operations may continue while an unsafe water system is being repaired or while the provider installs treatment, the provider must:

(i) Provide an alternate source of water, approved by the department; and

(ii) Retest until water tests indicate desirable results pursuant to (a) of this subsection.

(5) An early learning provider must notify the department within four hours of when the water connection to an early learning program space is interrupted for more than one hour, or the water source becomes contaminated.

(a) The department may require the early learning provider to temporarily close until the water connection is restored or the water source is no longer contaminated; or

(b) The early learning provider must obtain an alternative source of potable water such as bottled or packaged water. The amount of the alternative source of potable water must be sufficient to ensure compliance with the requirements of this chapter for safe drinking water, handwashing, sanitizing, dishwashing, and cooking.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0235, filed 7/1/19, effective 8/1/19. WSR 18-14-078, recodified as § 110-300-0235, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, 43.215.201 and Governor Directive 16-06. WSR 17-10-032, § 170-300-0235, filed 4/26/17, effective 5/27/17.]

WAC 110-300-0236 Safe drinking water. (1) An early learning program's drinking water must:

(a) Be offered multiple times throughout the day and be readily available to children at all times;

(b) Be offered in outdoor play areas, in each classroom for centers, and in the licensed space for family homes;

(c) Be served in a manner that prevents contamination;

(d) Not be obtained from a handwashing sink used with toileting or diapering; and

(e) Be served fresh daily or more often as needed.

(2) Drinking fountains at an early learning program must:

(a) Not be attached to handwashing sinks or disabled;

(b) Not be located in bathrooms;

(c) Not be a "bubble type" fountain (the water flow must form an arch);

(d) Be cleaned and sanitized daily, or more often as needed; and

(e) Be located above water impervious flooring.

[WSR 18-15-001, recodified as § 110-300-0236, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0236, filed 6/30/18, effective 8/1/19.]

Cleaning and Sanitation

WAC 110-300-0240 Clean and healthy environment. (1) Early learning program premises and program equipment must be clean and sanitary.

(2) Hard surfaces in early learning programs including, but not limited to, floors (excluding carpet), walls, counters, bookshelves, and tables must be smooth and easily cleanable.

(a) A cleanable surface must be:

(i) Designed to be cleaned frequently and made of sealed wood, linoleum, tile, plastic, or other solid surface materials;

(ii) Moisture resistant; and

(iii) Free of chips, cracks, and tears.

(b) An early learning provider must have at least twenty-four inches of moisture resistant and cleanable material or barrier around sinks, drinking fountains, and toilets.

(c) An early learning provider must clean all surfaces before sanitizing or disinfecting. Surfaces must be cleaned with a soap and water solution or spray cleaner and rinsed. If using a spray cleaner, directions on the label must be followed.

(d) Aerosol sprays and air fresheners must not be used during child care hours.

(e) If a bleach solution is used for sanitizing or disinfecting, an early learning provider must use one that is fragrance-free and follow department of health's current guidelines for mixing bleach solutions for child care and similar environments.

(f) If an early learning provider uses a product other than bleach, including wipes, to sanitize or disinfect, the product must be:

(i) Approved by the department prior to use;

(ii) Used by trained staff only;

(iii) Registered with the EPA and have safety data sheets (SDSs) available;

(iv) Used in accordance with the manufacturer's label, which must include:

(A) Directions for use;

(B) A description of the safety precautions, procedures, and equipment that must be used for mixing the substitute product concentration, if applicable;

(C) A description of the safety precautions and procedures if the substitute product contacts skin or is inhaled, if applicable; and

(D) A description of the procedures and safety precautions for rinsing cleaned areas and cleaning equipment, if applicable.

(v) Labeled as safe to use on food surfaces if the product will be used to sanitize:

(A) Food contact surfaces; or

(B) Items such as eating utensils or toys used by the child or put into the child's mouth; and

(vi) Fragrance-free.

[WSR 18-15-001, recodified as § 110-300-0240, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0240, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0241 Cleaning schedules. (1) An early learning provider must develop and follow a cleaning schedule that includes:

(a) Food preparation areas, tables and chairs, high chairs, and food service counters, which must be cleaned and sanitized before and after each meal and snack with single use paper towels or one-time use wiping cloths;

(b) Eating utensils, bottles, drinking equipment, and dishes, which must be cleaned and sanitized after each use;

(c) Pacifiers, which:

(i) Must be cleaned and sanitized after each use by washing and boiling the pacifier or washing the pacifier in the dishwasher; or

(ii) May be reused by an individual child if they have been rinsed after each use and stored in a device or container that prevents contamination. Both the pacifier and the storage device or container must be cleaned and sanitized daily;

(d) Appliances used to prepare food, which must be cleaned after each use and sanitized daily or more often as needed;

(e) Refrigerators, which must be cleaned and sanitized monthly or more often as needed;

(f) Freezers, which must be cleaned and sanitized quarterly or more often as needed;

(g) Toys, which must be cleaned and sanitized as follows:

(i) Infant and toddler toys must be cleaned and sanitized at least daily or more often as needed;

(ii) All other toys must be cleaned and sanitized weekly or more often as needed; and

(iii) When a toy comes into contact with a child's mouth or bodily fluids it must be removed from use until it can be cleaned and sanitized prior to reuse; and

(h) Furniture and equipment, which must be cleaned monthly or more often as needed.

(2) Machine washable clothes provided by the early learning program must be laundered as needed.

(3) Sleeping equipment must be:

(a) Cleaned and sanitized after each use if used by more than one child; or

(b) Cleaned and sanitized weekly or more often as needed if assigned to only one child.

(4) Bedding must be:

(a) Laundered and sanitized after each use if used by more than one child; or

(b) Laundered and sanitized weekly or more often as needed if assigned to only one child.

(5) Sinks that are not used for handwashing after toileting, diapering, or food preparation must be cleaned and sanitized daily or more often as needed.

(6) Toileting and diaper changing areas including, but not limited to, toilets, counters, sinks, and floors must be cleaned and disinfected daily or more often as needed.

(7) Diaper changing tables and changing pads must be cleaned and disinfected between children, even if using a nonabsorbent covering that is discarded after each use.

(8) Garbage cans and receptacles must be emptied on a daily basis and cleaned and disinfected as needed.

(9) Diaper receptacles must be emptied, cleaned, and disinfected daily or more often as needed. Contents of a diaper receptacle must be removed from the licensed space, and replaced with a new liner at least daily or more often if odor is present.

(10) Floors must be cleaned by either sweeping or vacuuming at least once per day or more often as needed. Moisture resistant flooring must be cleaned and sanitized at least once per day or more often as needed.

(11) Large area rugs or installed carpet must be cleaned at least once every six months, or when visible dirt or stains are present, using a carpet shampoo machine, steam cleaner, or other method that minimizes the exposure of children in care to pathogens and allergens.

(a) An early learning provider must not use dry shampoos or dry chemical sanitizers or disinfectants, unless approved by the department.

(b) If caring for infants, a provider must either place a safe and clean material over large rugs or carpet, or clean rugs or carpet at least once per month or more often if visible stains are present.

(12) Small area rugs must be shaken outdoors or vacuumed daily, and laundered as needed.

(13) Carpets or area rugs soiled with bodily fluids must be cleaned and disinfected with high heat or an EPA registered product. An early learning provider must limit exposure to blood and body fluids during cleanup.

(14) Children must not:

(a) Be present when carpets are cleaned or vacuumed unless the provider is spot vacuuming, the vacuum has a HEPA filter, and children are not within the immediate area; or

(b) Use or play on or near carpet areas until dry.

[WSR 18-15-001, recodified as § 110-300-0241, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0241, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0245 Laundry and equipment. (1) Laundry and laundry equipment at an early learning program must be inaccessible to children and separated from areas where food is prepared to prevent cross contamination.

(2) Dirty or soiled laundry must be:

(a) Kept separate from clean laundry;

(b) Cleaned with laundry soap or detergent;

(c) Rinsed; and

(d) Sanitized:

(i) With bleach or a similar sanitizer registered by the EPA; or

(ii) By using a "sanitize" setting on a washing machine or dryer that reaches at least 140 degrees Fahrenheit.

(3) A dryer must be vented to the outside of the building or following the manufacturer's specifications.

[WSR 18-15-001, recodified as § 110-300-0245, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0245, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0250 Private septic systems. (1) If an early learning program is served by a private septic system, the septic system must be designed, constructed, and maintained in accordance with state and local health jurisdiction requirements.

(a) A private septic system must be inspected by a septic system maintenance service provider approved by the local health jurisdiction and monitored on a routine basis. Any deficiencies noted in an inspection report must be corrected with the necessary permits and inspections.

(b) The most recent private septic system pumping and inspection records must be kept on the licensed premises or in the program's administrative office.

(c) If an early learning provider does not have the documentation described in (b) of this subsection, the provider must obtain from the state, local health jurisdiction, or a department approved private company such documentation within six months of the date this section becomes effective.

(d) An early learning provider must notify the department and local health jurisdiction if there is a problem, concern, or malfunction with a private septic system.

(e) If a private septic system problem, concern, or malfunction interferes with the proper care of children and an approved alternative is not available, the state, local health jurisdiction, or department may require an early learning program to close until the system is inspected, repaired, and approved by the local health jurisdiction.

(2) Pursuant to WAC 110-300-0146(2), playground design must not:

(a) Interfere with access to or the operation of a private septic system, including a private septic system's drain field and tanks; or

(b) Be located or placed in a way that impacts the private septic system's drain field or tanks as determined by local officials.

[WSR 18-15-001, recodified as § 110-300-0250, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0250, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0255 Pest control. (1) An early learning provider must take appropriate steps to safely prevent or control pests that pose a risk to the health and safety of adults and children in and around the licensed space. Pest control steps must include:

(a) **Prevention.** A provider must take steps to prevent attracting pests including, but not limited to, identifying and removing food and water sources that attract pests.

(b) **Inspection.** Indoor and outdoor areas in and around the licensed space must be inspected for evidence of pests. A provider must document the date and location if evidence is found.

(c) **Identification.** Pests found in the licensed space must be identified and documented so the pest may be properly removed or exterminated.

(d) **Management.** A provider must document steps taken to remove or exterminate the pests if found in the licensed space.

(e) **Notification.** If pesticides are used, the early learning provider must notify the parents or guardians of enrolled children what pesticide will be applied and where it will be applied no less than forty-eight hours before application, unless in cases of emergency (such as a wasp nest).

(f) **Application.** Pesticide must be applied to early learning program space when children are not present. When pesticide is applied, center providers must comply with chapter 17.21 RCW and family home providers must comply with the pesticide manufacturer's instructions.

(2) An early learning provider must have a pest control policy that emphasizes prevention and natural, nonchemical, low-toxicity methods where pesticides or herbicides are used as a last resort (i.e., integrated pest management).

[WSR 18-15-001, recodified as § 110-300-0255, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0255, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0260 Storage of hazardous and maintenance supplies. (1) An early learning provider must ensure all poisonous or dangerous substances including, but not limited to, fuels, solvents, oils, laundry, dishwasher, other detergents, sanitizing products, disinfectants and items labeled "keep out of reach of children" are stored:

(a) In a location that is inaccessible to children;

(b) Separate and apart from food preparation areas, food items, and food supplies;

(c) In their original containers or clearly labeled with the name of the product if not in the original container; and

(d) In compliance with the manufacturer's directions (including, not storing products near heat sources).

(2) Storage areas and storage rooms must:

(a) Be inaccessible to children;

(b) Have locking doors or other methods to prevent child access;

(c) Have moisture resistant and easily cleanable floors;

(d) Have a designated maintenance or janitorial utility sink, or another method to dispose of wastewater (kitchen sinks must not be used for disposal of wastewater); and

(e) Be kept clean and sanitary.

(3) Center early learning program space with storage areas and rooms that contain chemicals, utility sinks, or wet mops must be ventilated to the outdoors with an exterior window or mechanical ventilation to prevent the buildup of odors, fumes, or other hazards.

(4) Family home providers must store and maintain chemicals and wet mops in a manner that minimizes the buildup of odors, fumes, or other hazards.

(5) Saws, power tools, lawn mowers, toilet plungers, toilet brushes, and other maintenance and janitorial equipment must be inaccessible to children.

[WSR 18-15-001, recodified as § 110-300-0260, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0260, filed 6/30/18, effective 8/1/19.]

Sleep and Rest

WAC 110-300-0265 Sleep, rest, and equipment. (1) An early learning provider must offer a supervised daily rest period for children preschool age and younger who remain in care for more than six hours per day, or who show a need for rest.

(2) An early learning provider must provide quiet activities for children who do not require rest. Quiet activities must be minimally disruptive to sleeping children.

(3) An early learning provider must communicate a child's sleep needs and patterns with that child's parent or guardian.

(4) An early learning provider must not place children directly on the floor to rest or sleep.

(5) For children not using cribs or playpens, an early learning provider must provide developmentally appropriate mats, cots, or other sleep equipment made of water resistant material that can be cleaned and sanitized.

(6) Mats, cots, and other sleep equipment used in an early learning program must be:

(a) In good condition, have no tears or holes, and have no repairs with tape;

(b) Cleaned, sanitized, and air dried at least once per week or more often as needed if used by only one child, or after each use if used by more than one child; and

(c) Stored so sleeping surfaces are not touching each other unless cleaned and sanitized after each use.

(7) Floor mats designed for sleeping and mattresses must be at least one inch thick.

(8) Floor mats must be spaced apart from other floor mats, cots, and mattresses to reduce germ exposure and allow early learning providers' access to each child during sleep time as follows:

(a) There must be at least eighteen inches on each side between each floor mat, cot, or mattress; and

(b) Floor mats, cots, and mattresses must be arranged so children are head to toe, or toe to toe.

(9) Each child's bedding must:

(a) Have a clean sheet or blanket to cover the sleeping surface and a clean blanket for the child that is suitable given the child's size and room temperature;

(b) Be laundered weekly or more often if soiled, or laundered daily if used by more than one child; and

(c) Be stored separately from bedding used by another child, unless it is cleaned and sanitized after each use.

(10) An early learning provider must not allow children less than six years of age to use loft style beds or upper bunks of bunk beds.

[WSR 18-15-001, recodified as § 110-300-0265, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter

42.56 RCW. WSR 18-14-079, § 170-300-0265, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0270 Overnight care. (1) An early learning provider must be approved by the department to provide overnight care between nine o'clock at night and five o'clock in the morning when any enrolled child sleeps for three or more hours at the program.

(2) If approved by the department to provide overnight care, an early learning provider must supply every child an individual bed or other sleep equipment that:

(a) Is safe and in good working condition;

(b) Is made of moisture resistant material that can be cleaned and sanitized;

(c) Meets the child's developmental needs; and

(d) Is stored so sleeping surfaces are not touching each other unless cleaned and sanitized after each use.

(3) Each child's bedding must:

(a) Have a clean sheet or blanket to cover the sleeping surface and a clean cover for the child except for infants;

(b) Be laundered weekly or more often if soiled. Bedding must be laundered daily if used by different children; and

(c) Be stored separately from bedding used by another child, unless it is cleaned and sanitized after each use.

(4) An early learning provider must:

(a) Supervise children until they are asleep, except where children demonstrate the need for privacy to change clothes and can safely do so; and

(b) Have department approval prior to using night latches, deadbolts, or security chains.

(5) An early learning provider who sleeps while children are in overnight care must:

(a) Have written permission and documentation that parents are aware that the provider is sleeping while their children are in care and have read the facilities policies and procedures for overnight care;

(b) Stay awake until all children are asleep or returning to sleep;

(c) Remain on the same floor level as sleeping children at all times;

(d) Sleep in the same room with infants and toddlers;

(e) Be physically available and responsive, available to immediately respond to a child's needs;

(f) Have alarms to alert them if a child should leave the room;

(g) Have monitoring devices to assist in hearing and visibly checking on children in each room used for sleeping; and

(h) Be awake for the arrival and departure of each child in overnight care.

(6) An early learning provider who accepts infants for overnight care must comply with all safe sleep rules pursuant to WAC 110-300-0291 for at least the first fifteen nights a new infant is enrolled in that program. A provider may sleep while the infant sleeps during overnight care if:

(a) The provider continues to comply with WAC 110-300-0291 (1)(b), (c), (f), (g), (h), (i) and (2);

(b) Once that provider has become familiar with the sleep routines and patterns of that infant; and

(c) The provider has observed no apparent health or safety risks while the infant sleeps.

[WSR 18-15-001, recodified as § 110-300-0270, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0270, filed 6/30/18, effective 8/1/19.]

Infant and Toddler

WAC 110-300-0275 Infant and toddler care. (1) An early learning program may care for infants if the department inspects the program space and approves care for infants:

(a) Prior to issuing the program its license; or

(b) Prior to caring for infants if the program has not previously done so.

(2) An early learning provider working directly with infants must complete the department required infant safe sleep training pursuant to WAC 110-300-0106(8).

(3) An early learning provider must not use or allow the use of wheeled baby walkers.

(4) A center early learning provider licensed to care for any infant must employ or contract with a child care health consultant to provide health consultation to support the practices of staff working with infants and to support the needs of individual infants.

(5) A center early learning provider must enter into a department approved written agreement for services with a child care health consultant.

(a) The child care health consultant must be a currently licensed registered nurse who:

(i) Has worked in pediatrics or public health in the past five years or has taken or taught classes in pediatric nursing at the college level in the past five years;

(ii) Has experience with state licensing and public health requirements; and

(iii) Attests in writing to knowledge and experience sufficient to provide service consistent with the health consultant competencies described in the most current version of *Caring for Our Children*.

(b) The child care health consultant must be available, or make available a designee who meets the requirements of (a) of this subsection, for consultation by phone as needed.

(6) A center early learning provider must ensure that the child care health consultant:

(a) Conducts at least one on-site visit monthly, if an infant is enrolled, during which the consultant:

(i) Observes and assesses staff knowledge of infant health, development, and safety and offers support through training, consultation, or referral;

(ii) Observes and assesses classroom health practices including, but not limited to, infection control including cleaning, sanitizing, and disinfecting, and provides technical assistance to correct any practices of concern;

(iii) Observes and assesses behavior, development, and health status of individual infants in care and makes recommendations to

staff or parents or guardians including if further assessment is recommended, as requested or otherwise determined appropriate.

(b) Provides a dated, signed, written summary to the early learning provider for each visit that includes topics discussed with parents or staff, any areas of concern related to discussion, observation, assessment, or screening outcomes; and

(c) Reports each visit to the department.

(7) A center early learning provider must keep on-site a copy of the child care health consultant's written reports along with any notes, recommended follow up, and any actions taken to address concerns identified.

(8) If a center early learning provider is unable to independently employ or contract with a child care health consultant within thirty calendar days of enrolling an infant, the provider must contact the department for assistance. The department will assist the provider in obtaining the services of a child care health consultant or may grant a waiver until the services can be secured.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0275, filed 7/1/19, effective 8/1/19. WSR 18-15-001, recodified as § 110-300-0275, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0275, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0280 Bottle preparation. (1) An early learning provider may allow parents to bring from home filled bottles clearly labeled with the date and infant's first and last name for daily use. Bottles must be immediately refrigerated.

(2) A bottle preparation area must:

(a) Include a sink; and

(b) Be located at least eight feet from any diaper changing tables or counters and sinks used for diaper changing; or

(c) Be physically separated from the diaper changing area by means of a barrier to prevent cross contamination. If a barrier is used, it must be:

(i) Smooth and easily cleanable;

(ii) Sealed, if made of wood;

(iii) Moisture resistant;

(iv) Extend at least twenty-four inches in height from the counter or changing surface; and

(v) Solid without cracks, breaks or separation.

(3) To prepare bottles, an early learning provider must:

(a) Clean bottles and nipples before use using warm soapy water and a bottlebrush and sanitize by boiling in hot water for one minute, or pursuant to WAC 110-300-0198;

(b) Clean and sanitize the sink used for preparing bottles;

(c) Obtain water from a sink used for bottle or food preparation only, or from another approved source, such as bottled water. Water from a handwashing or diaper changing sink may not be used for bottle preparation;

(d) Use bottles and nipples in good repair (with no cracks);

(e) Use glass or stainless steel bottles, or use plastic bottles labeled with "1," "2," "4," or "5" on the bottle. A plastic bottle must not contain the chemical bisphenol-A or phthalates;

(f) Prepare infant formula according to manufacturer's directions and never serve infant formula past the expiration date on the container;

(g) Not heat a bottle in a microwave;

(h) Warm bottles under running warm water, in a container of water, or in a bottle warmer;

(i) Keep bottle nipples covered if bottles are prepared ahead;

(j) Store prepared and unserved bottles in the refrigerator;

(k) Not allow infants or toddlers to share bottles or cups when in use; and

(l) Throw away contents of any formula bottle not fully consumed within one hour (partially consumed bottles must not be put back into the refrigerator).

[WSR 18-15-001, recodified as § 110-300-0280, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0280, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0281 Breast milk. (1) When a parent or guardian provides breast milk, an early learning provider must:

(a) Immediately refrigerate or freeze the breast milk;

(b) Label the breast milk container with the child's first and last name and the date received;

(c) Store frozen breast milk at zero degrees Fahrenheit or less, and in a closed container to prevent contamination; and

(d) Keep frozen breast milk for no more than thirty days upon receipt and return any unused frozen breast milk to the parent after thirty days.

(2) Frozen breast milk must be kept in the refrigerator at a temperature of 39 degrees Fahrenheit for up to twenty-four hours after thawed.

(3) Thawed breast milk that has not been served within twenty-four hours must be labeled "do not use" and returned to the parent or guardian.

(4) An early learning provider must return any unused refrigerated, not been previously frozen, bottles or containers of breast milk to the parent at the end of the child's day, or label "do not use."

(5) An early learning provider must thaw frozen breast milk in the refrigerator, under warm running water, in a container with warm water, or in a bottle warmer.

(6) An early learning provider must not thaw or heat breast milk in a microwave oven or on the stove.

(7) An early learning provider must obtain parental consent prior to feeding infant formula to an otherwise breastfed infant.

[WSR 18-15-001, recodified as § 110-300-0281, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0281, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0285 Infant and toddler nutrition and feeding. (1) An early learning provider must have and follow written policies on providing, preparing, and storing breast milk or infant formula and food.

(2) After consulting a parent or guardian, an early learning provider must implement a feeding plan for infants and toddlers that includes:

(a) A plan to support the needs of a breastfeeding mother and infant by:

(i) Providing an area for mothers to breastfeed their infants; and

(ii) Providing educational materials and resources to support breastfeeding mothers.

(b) Feeding infants and toddlers when hungry according to their nutritional and developmental needs, unless medically directed;

(c) Serving only breast milk or infant formula to an infant, unless the child's health care provider offers a written order stating otherwise; and

(d) When bottle feeding, an early learning provider must:

(i) Test the temperature of bottle contents before feeding to avoid scalding or burning the child's mouth;

(ii) Hold infants and, when developmentally appropriate, toddlers to make eye contact and talk to them;

(iii) Stop feeding the infant or toddler when he or she shows signs of fullness; and

(iv) Not allow infants or toddlers to be propped with bottles or given a bottle or cup when lying down.

(e) Transitioning a child to a cup only when developmentally appropriate;

(f) Introducing age-appropriate solid foods no sooner than four months of age, based on an infant's ability to sit with support, hold his or her head steady, close his or her lips over a spoon, and show signs of hunger and being full, unless identified in written food plan pursuant to WAC 110-300-0190 or written medical approval;

(g) Not adding food, medication, or sweeteners to the contents of a bottle unless a health care provider gives written consent;

(h) Not serving one hundred percent juice or any sweetened beverages (for example, juice drinks, sports drinks, or tea) to infants less than twelve months old, unless a health care provider gives written consent, and helping prevent tooth decay by only offering juice to children older than twelve months from a cup;

(i) Increasing the texture of the food from strained, to mashed, to soft table foods as a child's development and skills progress between six and twelve months of age. Soft foods offered to older infants should be cut into pieces one-quarter inch or smaller to prevent choking;

(j) Allowing older infants or toddlers to self-feed soft foods from developmentally appropriate eating equipment;

(k) Placing infants or toddlers who can sit up on their own in high chairs or at an appropriate child-size table and chairs when feeding solid foods or liquids from a cup, and having an early learning provider sit with and observe each child eating. If high chairs are used, each high chair must:

(i) Have a base that is wider than the seat;

(ii) Have a safety device, used each time a child is seated, that prevents the child from climbing or sliding down the chair;

(iii) Be free of cracks and tears; and

(iv) Have a washable surface.

(l) Not leaving infants or toddlers more than fifteen minutes in high chairs waiting for meal or snack time, and removing a child as soon as possible once he or she finishes eating;

(m) Preventing infants or toddlers from sharing the same dish or utensil;

(n) Not serving any uneaten food from the serving container after the intended meal; and

(o) Not serving food to infants or toddlers using polystyrene foam (styrofoam) cups, bowls, or plates.

[WSR 18-15-001, recodified as § 110-300-0285, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0285, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0290 Infant and toddler sleep, rest, and equipment. (1) For infants, an early learning provider must supply a single level crib, playpen, or other developmentally appropriate sleep equipment. Providers must not use sofas, couches, or adult-sized or toddler beds for infant sleeping.

(2) For toddlers, an early learning provider must supply a single level crib, playpen, toddler bed, or other developmentally appropriate sleep equipment. An early learning provider must allow toddlers to follow their own sleep patterns.

(3) Sleep equipment not covered in WAC 110-300-0265 must:

(a) Be approved by CPSC or ASTM International Safety Standards for use by infants and toddlers;

(b) Cribs must have a certificate of compliance, sticker, or documentation from the manufacturer or importer stating the crib meets 16 C.F.R. 1219 and 1220;

(c) Have a clean, firm, and snug-fitting mattress designed specifically for the particular equipment;

(d) Have a tight-fitted sheet that is designed for the sleep equipment;

(e) Have a moisture resistant and easily cleaned and sanitized mattress, if applicable. The mattress must be free of tears or holes and not repaired with tape;

(f) The sheet must be laundered at least weekly or more often, such as between uses by different children or if soiled;

(g) Cribs and playpens arranged side by side must be spaced at least thirty inches apart; and

(h) Cribs and playpens placed end to end must have a moisture resistant and easily cleanable solid barrier if spaced closer than thirty inches.

(4) An early learning provider must immediately remove sleeping children from car seats, swings, or similar equipment not designed for sleep unless doing so would put another enrolled child at risk.

(5) An early learning provider must consult with a child's parent or guardian before that child is transitioned from infant sleeping equipment to other sleep equipment.

(6) An early learning provider must transition children who are able to climb out of their sleeping equipment to developmentally appropriate sleep equipment. When parents do not agree with transitioning, the provider and parent will cocreate a transition plan.

[WSR 18-15-001, recodified as § 110-300-0290, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0290, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0291 Infant safe sleep practices. (1) An early learning provider must follow safe infant sleep practices when infants are napping or sleeping by following the current standard of American Academy of Pediatrics concerning safe sleep practices including SIDS/SUIDS risk reduction, including:

(a) Actively supervising infants by visibly checking every fifteen minutes and being within sight and hearing range, including when an infant goes to sleep, is sleeping, or is waking up;

(b) Placing an infant to sleep on his or her back or following the current standard of American Academy of Pediatrics. If an infant turns over while sleeping, the provider must return the infant to his or her back until the infant is able to independently roll from back to front and front to back;

(c) Not using a sleep positioning device unless directed to do so by an infant's health care provider. The directive must be in writing and kept in the infant's file;

(d) Sufficiently lighting the room in which the infant is sleeping to observe skin color;

(e) Monitoring breathing patterns of an infant;

(f) Allowing infants to follow their own sleep patterns;

(g) Not allowing blankets, stuffed toys, pillows, crib bumpers, and similar items inside a crib, bassinet, or other equipment if occupied by a resting or sleeping infant;

(h) Not allowing a blanket or any other item to cover or drape over an occupied crib, bassinet, or other equipment where infants commonly sleep;

(i) Not allowing bedding or clothing to cover any portion of an infant's head or face while sleeping, and readjusting these items when necessary; and

(j) Preventing infants from getting too warm while sleeping, which may be exhibited by indicators that include, but are not limited to, sweating; flushed, pale, or hot and dry skin, warm to the touch; a sudden rise in temperature; vomiting; refusing to drink, a depressed fontanelle; or irritability.

(2) An early learning provider who receives notice of a safe sleep violation must:

(a) Post the notice in the licensed space for two weeks or until the violation is corrected, whichever is longer, pursuant to WAC 110-300-0505; and

(b) Within five business days of receiving notice of the violation, provide all parents and guardians of enrolled children with:

(i) A letter describing the safe sleep violation; and

(ii) Written information on safe sleep practices for infants.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0291, filed 7/1/19, effective 8/1/19. WSR 18-14-078, recodified as § 110-300-0291, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, and 43.215.201. WSR 17-10-033, § 170-300-0291, filed 4/26/17, effective 5/27/17.]

WAC 110-300-0295 Infant and toddler programs and activities. (1) An early learning provider must support each infant and toddler's culture, language, and family.

(2) An early learning provider must ensure an adequate supply of age and developmentally appropriate program materials and equipment for infants and toddlers. Materials and equipment must meet individu-

al, developmental, and cultural needs of children in care, and must be:

(a) Clean and washable or disposable;

(b) Nonpoisonous, free of toxins, and meet ASTM D-4236 labeling requirements for chronic health hazards;

(c) Large enough to prevent swallowing or choking;

(d) Safe and in good working condition;

(e) Child size;

(f) Accommodating to a range of abilities and special needs of enrolled children, if applicable;

(g) Accessible for children to find, use, and return independently; and

(h) Removed from the early learning premises as soon as a provider becomes aware an item has been recalled by CPSC.

[WSR 18-15-001, recodified as § 110-300-0295, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0295, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0296 Infant and toddler development. (1) An early learning provider must expose infants and toddlers to a developmentally appropriate curriculum.

(2) Developmentally appropriate curriculum may include, but is not limited to:

(a) Developing infant and toddler language and communication by:

(i) Talking and listening to children, encouraging soft infant sounds, naming objects, feelings, and desires, and describing actions;

(ii) Giving individual attention to children when needed;

(iii) Playing and reading with children;

(iv) Mirroring similar infant sounds and sharing a child's focus of attention;

(v) Communicating throughout the day and during feeding, changing, and cuddle times; and

(vi) Providing materials and equipment that promote language development and communication such as soft books, interactive storybook reading, rhymes and songs, and finger puppets.

(b) Developing infant and toddler physical and cognitive abilities by:

(i) Allowing each infant actively supervised tummy time throughout the day when the infant is awake;

(ii) Providing infants and toddlers freedom to explore and learn on their own on the floor;

(iii) Providing infants and toddlers access to active outdoor playtime. An early learning provider must enforce sun safety precautions for infants younger than six months old by keeping them out of the direct sunlight and limiting sun exposure when ultraviolet rays are strongest (typically from 10:00 a.m. to 2:00 p.m.); and

(iv) Encouraging infants and toddlers to play, crawl, pull up, and walk by using materials and equipment that promotes:

(A) Physical and cognitive activities, for example rattles, grasping and reaching toys, busy boxes, nesting cups, small push and pull toys, riding toys, balls, squeezable toys, books, dolls, press-together blocks, and limited use of equipment such as bouncers, swings, or boppies; and

(B) Spatial and numeracy understanding, for example counting toys, soft blocks and toys with different sizes such as measuring cups or spoons, and toys with different shapes and colors to help introduce sorting and categorization.

(c) Developing infant and toddler social and emotional abilities by:

(i) Providing social contact with infants and toddlers in addition to time spent feeding, diapering and bathing by playing with children, naming and acknowledging emotions, and encouraging peer interaction;

(ii) Immediately investigating cries or other signs of distress;

(iii) Providing comfort to an upset or hurt child;

(iv) Positively responding to a child's verbal and nonverbal cues;

(v) Intervening during negative peer interactions such as when a child grabs other children's toys, pulls hair, or bites;

(vi) Providing physical stimulation through holding, cuddling, rocking, talking, singing, playing, carrying, and changing positions; and

(vii) Providing materials and equipment that promote social and emotional activities such as pictures of children and adults exhibiting different emotions, pictures of infants and family members, dolls and soft toys, rattles, music, and dancing scarves.

[WSR 18-15-001, recodified as § 110-300-0296, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0296, filed 6/30/18, effective 8/1/19.]

INTERACTIONS AND CURRICULUM

Learning Supports

WAC 110-300-0300 Individual care plan. (1) An early learning provider must develop an individual care plan for each child with special needs and must notify the department when a child with special needs is enrolled or identified in the early learning program. Plans and documentation required under this section must:

(a) Meet the requirements of this section;

(b) Be available for department review;

(c) Have written permission from a child's parent or guardian stating that a visiting health professional may provide services to the child at the early learning program, if applicable;

(d) Have verification that early learning program staff involved with a particular child has been trained on implementing the individual care plan for that child, if applicable;

(e) Be updated annually or when there is a change in the child's special needs; and

(f) Be kept in the child's file.

(2) The individual care plan must be signed by the parent or guardian and may be developed using a department provided template.

(a) The individual care plan must contain:

(i) The child's diagnosis, if known;

(ii) Contact information for the primary health care provider or other relevant specialist;

(iii) A list of medications to be administered at scheduled times, or during an emergency along with descriptions of symptoms that would trigger emergency medication;

(iv) Directions on how to administer medication;

(v) Allergies;

(vi) Food allergy and dietary needs, pursuant to WAC 110-300-0186;

(vii) Activity, behavioral, or environmental modifications for the child;

(viii) Known symptoms and triggers;

(ix) Emergency response plans and what procedures to perform; and

(x) Suggested special skills training, and education for early learning program staff, including specific pediatric first aid and CPR for special health care needs.

(b) An early learning provider must have supporting documentation of the child's special needs provided by the child's licensed or certified:

(i) Physician or physician's assistant;

(ii) Mental health professional;

(iii) Education professional;

(iv) Social worker with a bachelor's degree or higher with a specialization in the individual child's needs; or

(v) Registered nurse or advanced registered nurse practitioner.

(3) An early learning provider's written plan and documentation for accommodations must be informed by any existing:

(a) Individual education plan (IEP);

(b) Individual health plan (IHP);

(c) 504 Plan; or

(d) Individualized family service plan (IFSP).

[WSR 18-15-001, recodified as § 110-300-0300, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0300, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0305 Curriculum philosophy and planning. (1) An early learning provider must have a written curriculum philosophy that describes the program of planned daily activities related to early childhood or child development.

(2) The curriculum philosophy must address all age groups being served, be informed by the Washington state early learning and development guidelines, and may include:

(a) How children develop emotionally, socially, cognitively, and physically;

(b) What early learning looks like or areas of focus for each age group being served;

(c) How the provider will meet cultural, dual language learner, and special needs of children in care;

(d) How to guide learning and social interactions;

(e) The importance of play to a child's learning process; and

(f) For infants and toddlers, the importance of developing consistent, nurturing relationships with caregivers as a component of learning.

(3) Staff must be trained on the program's curriculum philosophy.

(4) A lead teacher or family home early learning provider must be given regularly scheduled time to plan and develop curriculum and activities. Planning may be done during rest time but all supervision requirements pursuant to WAC 110-300-0345 must be met.

[WSR 18-15-001, recodified as § 110-300-0305, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0305, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0310 Concept development and feedback quality. (1) An early learning provider must facilitate activities to support child learning and understanding.

(2) An early learning provider may facilitate child learning and understanding through a variety of techniques such as:

(a) Using a variety of teaching strategies (different techniques, curricula, or styles) and materials to address different learning styles, abilities, developmental levels, and temperament;

(b) Helping children enter into and sustain play;

(c) Encouraging children to participate by asking questions and providing guidance;

(d) Providing opportunities for children's creativity;

(e) Linking concepts and activities to one another and to the children's lives and interests;

(f) Noticing and responding to teachable moments;

(g) Clarifying and expanding children's understanding;

(h) Describing and discussing children's learning processes;

(i) Encouraging children's efforts and persistence;

(j) Showing tolerance for mistakes;

(k) Using diverse vocabulary;

(l) Leading discussions and activities;

(m) Providing materials during the day, including daily routines such as meals and transitions, to encourage communication in English and children's home languages when possible; and

(n) Use scaffolding methods to gradually move children toward stronger understanding and greater independence in the learning process.

[WSR 18-15-001, recodified as § 110-300-0310, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0310, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0315 Language modeling and reasoning. (1) An early learning provider must be aware of and responsive to children's developmental, linguistic, cultural, and academic needs.

(2) An early learning provider must be aware of and responsive to children's needs by engaging in activities such as:

(a) Asking developmentally appropriate questions for the age group and allow children to answer without interruption from the provider;

(b) Circulating among the children during free choice activities and talking with children about what they are doing;

(c) Using teaching techniques such as:

(i) Self-talk: When the provider talks about what he or she is doing, seeing, eating, touching, or thinking as he or she is involved in that activity;

(ii) Parallel-talk: When the provider talks about what the child is doing, seeing, eating, or touching as the child is engaging in those activities; or

(iii) Language expansion: When the provider adds detail or new words to build on ideas that children are expressing.

(d) An early learning provider working with preschool and school-age children must use language to develop and encourage reasoning skills by using techniques such as:

(i) Talking about logical relationships or concepts during the day including, but not limited to, the daily schedule, the differences and similarities between objects, or people in the classroom;

(ii) Introducing concepts using guiding questions that encourage children to figure out cause and effect relationships;

(iii) Providing opportunities for reading and writing activities; and

(iv) Asking open ended questions to help children improve skills and acquire knowledge.

(e) An early learning provider working with non-English speaking children must encourage language development and acquisition by using techniques such as:

(i) Using words in various languages to talk about the routines;

(ii) Reading books out loud or using audio books; and

(iii) Playing games in different languages.

[WSR 18-15-001, recodified as § 110-300-0315, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0315, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0320 Facilitating child interests, learning, perspective, and productivity. (1) An early learning provider must work to maximize children's interests, engagement with developmentally and culturally responsive activities, and ability to learn from play.

(2) An early learning provider must maximize children's interests, engagement, and abilities by using techniques such as:

(a) Maximizing learning time with learning materials and products, limiting disruptions during activities, and offering additional choices when activities are completed;

(b) Giving clear instructions and directions; and

(c) Making opportunities for children to learn during transitions by clearly communicating expectations and keeping transitions to a duration that is developmentally appropriate.

(3) An early learning provider must offer developmentally and culturally responsive activities that offer a range of auditory, visual, and movement opportunities by using techniques such as:

(a) Encourage child engagement;

(b) Promote each child's self-help and social skills;

(c) Organized around child interests and ideas;

(d) Allow choice, exploration, and experimentation;

(e) Promote active and play-based learning experiences;

(f) Allow children freedom to move during activities;

(g) Ensure child expression;

(h) Utilize interesting and creative materials;

(i) Offer hands-on opportunities for children;

(j) Provide opportunity for children to direct their own learning and problem solving rather than teacher-directed activities; and

(k) Orient and guide children toward learning objectives.

[WSR 18-15-001, recodified as § 110-300-0320, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0320, filed 6/30/18, effective 8/1/19.]

Emotional Support and Classroom Organization

WAC 110-300-0325 Creating a climate for healthy child development. (1) When communicating or interacting with children, an early learning provider must maintain a climate for healthy, culturally responsive child development such as:

(a) Using a calm and respectful tone of voice;

(b) Using positive language to explain what children can do and give descriptive feedback;

(c) Having relaxed conversations with children by listening and responding to what they say. Adult conversations must not dominate the overall sound of the group;

(d) Greeting children upon arrival and departure at the early learning program;

(e) Using facial expressions such as smiling, laughing, and enthusiasm to match a child's mood;

(f) Using physical proximity in a culturally responsive way to speak to children at their eye level and with warm physical contact including, but not limited to, gently touching a hand or shoulder, sitting next to a child, appropriately holding younger children close while communicating;

(g) Validating children's feelings and show tolerance for mistakes;

(h) Being responsive and listening to children's requests and questions, encouraging children to share experiences, ideas, and feelings;

(i) Observing children in order to learn about their families, cultures, individual interests, ideas, questions, and theories;

(j) Modeling and teaching emotional skills such as recognizing feelings, expressing them appropriately, accepting others' feelings, and controlling impulses to act out feelings;

(k) Representing the diversity found in the early learning program and society, including gender, age, language, and abilities, while being respectful of cultural traditions, values, religion and beliefs of enrolled families; and

(l) Interacting with staff and other adults in a positive, respectful manner.

(2) An early learning provider must encourage positive interactions between and among children with techniques such as:

(a) Giving children several chances a day to interact with each other while playing or completing routine tasks;

(b) Modeling social skills;

(c) Encouraging socially isolated children to find friends;

(d) Helping children understand feelings of others; and

(e) Including children with special needs to play with others.

[WSR 18-15-001, recodified as § 110-300-0325, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0325, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0330 Positive relationships and child guidance. (1) An early learning provider must work to maintain positive relationships with children by using consistent guidance techniques to help children learn. Guidance techniques must adapt an early learning program's environment, routines, and activities to a child's strengths, developmental level, abilities, culture, community, and relate to the child's behavior.

(2) Guidance techniques may include:

(a) Coaching behavior;

(b) Modeling and teaching social skills such as taking turns, cooperation, waiting, self-control, respect for the rights of others, treating others kindly, and conflict resolution;

(c) Offering choices;

(d) Distracting;

(e) Redirecting or helping a child change their focus to something appropriate to achieve their goal;

(f) Planning ahead to prevent problems and letting children know what events will happen next;

(g) Explaining consistent, clear rules and involving children in defining simple, clear classroom limits;

(h) Involving children in solving problems; and

(i) Explaining to children the natural and logical consequence related to the child's behavior in a reasonable and developmentally appropriate manner.

[WSR 18-15-001, recodified as § 110-300-0330, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0330, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0331 Prohibited behavior, discipline, and physical removal of children. (1) An early learning provider must take steps to prevent and, once aware of, must not tolerate:

(a) Profanity, obscene language, "put downs," or cultural or racial slurs;

(b) Angry or hostile interactions;

(c) Threats of physical harm or inappropriate discipline such as, but not limited to, spanking, biting, jerking, kicking, hitting, slapping, grabbing, shaking, pulling hair, pushing, shoving, throwing a child, or inflicting pain or humiliation as a punishment;

(d) Intimidation, gestures, or verbal abuse including sarcasm, name calling, shaming, humiliation, teasing, derogatory remarks about a child or the child's family;

(e) Emotional abuse including victimizing, bullying, rejecting, terrorizing, extensive ignoring, or corrupting a child;

(f) Prevent a child from or punish a child for exercising religious rights; or

(g) Anyone to:

(i) Restrict a child's breathing;

(ii) Bind or restrict a child's movement unless permitted under WAC 110-300-0335;

(iii) Tape a child's nose, mouth, or other body part;

(iv) Deprive a child of sleep, food, clothing, shelter, physical activity, first aid, or regular or emergency medical or dental care;

(v) Force a child to ingest something as punishment such as hot sauce or soap;

(vi) Interfere with a child's ability to take care of his or her own hygiene and toileting needs;

(vii) Use toilet learning or training methods that punish, demean, or humiliate a child;

(viii) Withhold hygiene care, toileting care, or diaper changing from any child unable to provide such care for himself or herself;

(ix) Expose a child to extreme temperatures as punishment;

(x) Demand excessive physical exercise or strenuous postures. Excessive physical exercise includes, but is not limited to, running laps around the yard until overly tired, an extensive number of push-ups, having a child rest more than the child's development requires, standing on one foot for an uncomfortable amount of time, or holding out one's arms until tired or painful;

(xi) Place the separated child in a closet, bathroom, locked room, outside, or in an unlicensed space; and

(xii) Use high chairs, car seats, or other confining space or equipment to punish a child or restrict movement.

(2) An early learning provider must supervise to protect children from the harmful acts of other children. A provider must immediately intervene when they become aware that a child or children are teasing, fighting, bullying, intimidating, or becoming physically aggressive.

(3) An early learning provider may separate a preschool age or school age child from other children when that child needs to regain control of him or herself.

(a) During separation time, the child must remain under the appropriate level of supervision of a licensee, center director, assistant director, program supervisor, lead teacher or an assistant teacher.

(b) Separation time should be minimized and appropriate to the needs of the individual child.

(4) If a child is separated from other children, an early learning provider must:

(a) Consider the child's developmental level, language skills, individual and special needs, and ability to understand the consequences of his or her actions; and

(b) Communicate to the child the reason for being separated from the other children.

(5) If an early learning provider follows all strategies in this section, and a child continues to behave in an unsafe manner, only a licensee, center director, assistant director, program supervisor, lead teacher, or an assistant teacher may physically remove the child to a less stimulating environment. Staff must remain calm and use a calm voice when directing or removing the child. Physical removal of a child is determined by that child's ability to walk:

(a) If the child is willing and able to walk, staff may hold the child's hand and walk him or her away from the situation.

(b) If the child is not willing or able to walk, staff may pick the child up and remove him or her to a quiet place where the child cannot hurt themselves or others.

[WSR 18-15-001, recodified as § 110-300-0331, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0331, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0335 Physical restraint. (1) An early learning provider must have written physical restraint protocols pursuant to WAC 110-300-0490, and implement such protocols only when appropriate and after complying with all requirements of WAC 110-300-0330 and 110-300-0331.

(2) Physical restraint must only be used if a child's safety or the safety of others is threatened, and must be:

(a) Limited to holding a child as gently as possible to accomplish restraint;

(b) Limited to the minimum amount of time necessary to control the situation;

(c) Developmentally appropriate; and

(d) Only performed by early learning providers trained in a restraint technique pursuant to WAC 110-300-0106(9).

(3) No person may use bonds, ties, blankets, straps, car seats, high chairs, activity saucers, or heavy weights (including an adult sitting on a child) to physically restrain children.

(4) Licensees, center directors, assistant directors, program supervisors, lead teachers or trained staff must remove him or herself from a situation if they sense a loss of their own self-control and concern for the child when using a restraint technique if another early learning provider is present. If an early learning provider observes another staff using inappropriate restraint techniques, the staff must intervene.

(5) If physical restraint is used, staff must:

(a) Report the use of physical restraint, pursuant to WAC 110-300-0475 (2)(f);

(b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate;

(c) Document the incident in the child's file, including the date, time, early learning program staff involved, duration and what happened before, during and after the child was restrained;

(d) Develop a written plan with input from the child's primary care or mental health provider, and the parents or guardians, to address underlying issues and reduce need for further physical restraint if:

(i) Physical restraint has been used more than once; and

(ii) A plan is not already a part of the child's individual care plan.

(e) Notify the department when a written plan has been developed.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0335, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0335, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0335, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0340 Expulsion. (1) To promote consistent care and maximize opportunities for child development and learning, an early learning provider must develop and follow expulsion policies and practices, pursuant to WAC 110-300-0486.

(2) An early learning provider may expel a child only if:

(a) The child exhibits behavior that presents a serious safety concern for that child or others; and

(b) The program is not able to reduce or eliminate the safety concern through reasonable modifications.

(3) If a child is expelled, an early learning provider must:

(a) Review the program's expulsion policy with the parent or guardian of the child;

(b) Provide a record to the parent or guardian about the expulsion and the steps that were taken to avoid expulsion. The record must include the date, time, early learning program staff involved, and details of each incident that led to expulsion; and

(c) Provide information to the parent or guardian of the child that includes, but is not limited to, community-based resources that may benefit the child.

(4) The early learning provider must report to the department when children are expelled. The information must include:

(a) Child demographic data including, but not limited to, the age, race, ethnicity, and gender of the child;

(b) The reason the child was expelled; and

(c) The resources that were provided to the parent or guardian of the child.

[WSR 18-15-001, recodified as § 110-300-0340, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0340, filed 6/30/18, effective 8/1/19.]

Program Structure and Organization

WAC 110-300-0345 Supervising children. (1) An early learning provider must only allow the following persons to have unsupervised access to a child in care:

(a) That child's own parent or guardian;

(b) Licensees or early learning program staff authorized by the department in chapter 110-06 WAC;

(c) A government representative including an emergency responder who has specific and verifiable authority for access, supported by documentation; and

(d) A person authorized in writing or over the phone by that child's parent such as a family member, family friend, or the child's therapist or health care provider.

(2) An early learning provider must meet capacity, group size, mixed age grouping, and staff-to-child ratios while children are in care. This includes, but is not limited to:

(a) Indoor and outdoor play activities;

(b) Off-site activities;

(c) During transportation;

(d) Meal times;

(e) Rest periods;

(f) Evening or overnight care; and

(g) When children are on different floor levels of the early learning program.

(3) An early learning provider must supervise children in care by:

(a) Scanning the environment looking and listening for both verbal and nonverbal cues to anticipate problems and plan accordingly;

(b) Visibly checking children on many occasions with little time in between;

(c) Positioning him or herself to supervise all areas accessible to children;

(d) Attending to children and being aware of what children are doing at all times;

(e) Being available and able to promptly assist or redirect a child as necessary; and

(f) Considering the following when deciding whether increased supervision is needed:

(i) Ages of children;

(ii) Individual differences and abilities of children;

(iii) Layout of the indoor and outdoor licensed space and play area;

(iv) The risk associated with the activities children are engaged in; and

(v) Any nearby hazards including those in the licensed or unlicensed space.

(4) An early learning program staff member may undertake other activities for a temporary time period when not required to be providing active supervision required under subsection (5)(c) of this section. Such activities include, but are not limited to, cleaning up after an activity or preparing items for a new activity. This early learning staff member must remain in visual or auditory range, and be available and able to respond if needed.

(5) An early learning provider must:

(a) Not use devices such as a baby monitors, video monitors, or mirrors in place of supervision, unless used pursuant to WAC 110-300-0270(5);

(b) Be able to hear when doors in the immediate area are opened to prevent children from leaving unsupervised;

(c) Actively supervise children when the children:

(i) Interact with pets or animals;

(ii) Engage in water or sand play;

(iii) Play in an area in close proximity to a body of water;

(iv) Use a safe route to access an outdoor play area not immediately adjacent to the early learning program;

(v) Engage in planned activities in the kitchen;

(vi) Ride on public transportation;

(vii) Engage in outdoor play; and

(viii) During field trips.

(d) Ensure no infant or child is left unattended during:

(i) Diapering;

(ii) Bottle feeding; or

(iii) Tummy time.

(e) Provide developmentally appropriate supervision to children while bathing.

[WSR 18-15-001, recodified as § 110-300-0345, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter

42.56 RCW. WSR 18-14-079, § 170-300-0345, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0350 Supervising children during water activities. (1) During water activities, an early learning provider must meet all supervision requirements of this section and WAC 110-300-0345.

(2) During water activities, an early learning provider must:

(a) Ensure a one-to-one (1:1) staff-to-child ratio for infants;

(b) Hold or have continuous touch of infants, nonambulatory toddlers, and children with special needs as required; and

(c) Keep toddlers within arm's length.

(3) An early learning provider must have written permission for water activities from each child's parent or guardian.

(4) For water activities on or off the early learning program premises, where the water is more than twenty-four inches deep, an early learning provider must ensure:

(a) A certified lifeguard is present and on duty; and

(b) At least one additional staff member than would otherwise be required is present to help actively supervise if the children are preschool age or older.

(5) An early learning provider must have life-saving equipment readily accessible during water activities if a pool is six feet or more in any direction and two feet or more in depth. Life-saving equipment may include a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that will not conduct electricity.

(6) If an early learning provider takes children off-site to an area with an accessible body of water more than four inches deep (for example, a park with a lake or stream) but children are not engaging in a water activity, there must be:

(a) At least one more staff person than required in the staff-to-child ratio; and

(b) At least one attending staff person must be able to swim.

[WSR 18-15-001, recodified as § 110-300-0350, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0350, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0354 Indoor early learning program space capacity. (1) To define capacity, licensed indoor early learning program space must have a minimum of thirty-five square feet per child in attendance and further comply with the requirements of this chapter.

(a) Center early learning program space must provide fifteen additional square feet for each infant or toddler using a crib or playpen if the crib or playpen is located or placed in the sleeping or play area.

(b) Floor space under tables, desks, chairs, and other equipment used as part of children's activities must be included in the overall capacity.

(c) Office or kitchen space that is inaccessible to children and not intended for their use must not be included in the overall capacity.

(d) Napping areas may be used as early learning program space if mats and cots are removed when not in use and children have free access to the area.

(2) The following indoor space must not be counted in the overall capacity:

(a) Unlicensed space;

(b) Hallway space that is used for emergency evacuation or is not approved to be used for program activities;

(c) Bathrooms and diaper changing areas (including twenty-four inches surrounding diaper changing areas and handwashing sink, unless the diaper changing area has a two foot high barrier);

(d) Laundry areas;

(e) Closets;

(f) Stairways; and

(g) Floor space occupied by shelves, built-in cabinets, file cabinets, desks, or other office equipment not intended to be accessible to children.

(3) A large, licensed indoor gross motor activity space may be used to supplement the requirements of outdoor program space, pursuant to WAC 110-300-0145, but must not be counted in the overall capacity if:

(a) The space provides seventy-five square feet per child for the maximum number of children listed on the license or the provider rotates groups of children; and

(b) The space is safe and appropriate for activities otherwise performed in an outdoor play space.

[WSR 18-15-001, recodified as § 110-300-0354, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0354, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0355 Family home capacity, ratio, and group size. (1) The department issues initial or nonexpiring family home licenses for up to twelve children. The department will not issue a family license to care for more children than permitted by the rules in this chapter but may issue a license to care for fewer than the maximum allowable enrolled children. Family home licenses state:

(a) The maximum number of children that may be in care at any one time (total capacity); and

(b) The age range of children allowed in care.

(2) The department determines capacity for a family home early learning program after considering:

(a) Square footage of the early learning program;

(b) An early learning provider's years of experience in licensed child care (experience must be from working as a center director, program supervisor, lead teacher, family home licensee, or another similar role in a child care setting);

(c) A provider's education and ongoing training;

(d) The age range requested or approved by the department;

(e) The amount of developmentally appropriate equipment, materials, and toys an early learning program can provide children to use;

(f) A provider's licensing history with the department; and

(g) The number of qualified staff available to meet staff-to-child ratios.

(3) A family home licensee must not exceed the total capacity or age range stated on the child care license at any time except as provided in this section. All children on the premises, signed in to child care, on an off-site trip from the early learning program, or

being transported by the early learning program staff are counted in capacity including the children of staff.

(a) A family home licensee must receive department approval to care for a child with special needs, pursuant to WAC 110-300-0300, if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in both capacity and staff-to-child ratio.

(b) A child with special needs who requires individualized supervision pursuant to WAC 110-300-0300 counts towards capacity but does not count in the staff-to-child ratio.

(c) A child who turns thirteen years old permitted by chapter 110-15 WAC and who must be counted in both capacity and staff-to-child ratio.

(4) Any child birth through twelve years old on the premises, signed in to the child care, on an off-site trip from the early learning program, or being transported counts in capacity. This includes a family home licensee's own children, children of staff, or visiting children not accompanied or supervised by an adult.

(5) A family home licensee must provide qualified staff to fulfill the staffing requirements and staff-to-child ratios during operating hours, including off-site activities and when transporting children in care.

(6) A family home licensee must provide additional staff, pursuant to WAC 110-300-0350, when children are participating in water activities or activities near water.

(7) When applying for an initial or nonexpiring family home license, a family home licensee with less than one year of experience may request from the department a capacity of up to six children, birth through twelve years of age.

(a) A maximum of three children may be under two years of age.

(b) If there are three children under two years of age, one of these children must be able to walk independently.

(8) When applying for an initial or nonexpiring family home license, a family home licensee with at least one year but less than two years of experience and:

(a) Working alone may request a capacity of up to eight children ages two through twelve years of age, with a maximum of four children under three years of age.

(b) Working with a qualified assistant may request a capacity of up to nine children birth through twelve years of age with a maximum of four children under two years of age.

(9) When applying for an initial or nonexpiring family home license, a family home licensee with at least two years' experience and:

(a) Working alone may request a capacity of up to ten children ages three years through twelve years of age;

(b) Working alone may request a capacity of up to twelve children for school age children only; and

(c) Working with a qualified assistant, may request a capacity of up to twelve children birth through twelve years of age with a maximum of six children under two years of age with two children being able to walk independently.

(10) A family home licensee, with two years of experience, may request a license for birth to twenty-four months of age with a maximum group size of eight when:

(a) There are two staff present with the group consisting of one staff who meets the qualification of the licensee and another who meets the qualifications to be counted in ratio;

(b) The staff-to-child ratio is 1:4;

(c) Fifteen additional square feet are provided for each infant or toddler; and

(d) A second staff member is present whenever:

(i) More than two children in care do not walk independently; or

(ii) When there are more than four children in care.

(11) The staff-to-child ratio is determined by the ages and number of children in care. Two early learning program staff are required anytime:

(a) More than six children are in care and any child in care is under two years of age;

(b) More than eight children are in care and any child in care is under three years of age; or

(c) More than ten children are in care and any child is under school age.

[WSR 18-15-001, recodified as § 110-300-0355, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0355, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0356 Center capacity, ratio, and group size. (1) The department issues initial or nonexpiring center early learning provider licenses. The department will not issue a center license to care for more children than permitted by the rules in this chapter. The department may issue a license to care for fewer than the maximum allowable enrolled children. For each center, licenses state:

(a) The maximum number of children that may be in care at any one time (total capacity);

(b) The licensed capacity for each space within the center licensed for use by children; and

(c) The age range of children allowed in care.

(2) The department determines capacity for a center early learning program after considering:

(a) Square footage of the early learning program;

(b) A provider's education and ongoing training;

(c) The age range of children requested or approved by the department;

(d) The amount of developmentally appropriate equipment, materials, and toys an early learning program can provide children to use;

(e) A provider's licensing history with the department; and

(f) The number of qualified staff available to meet staff-to-child ratios.

(3) A center licensee must not exceed the total capacity or age range stated on the child care license at any time except as provided in this section. All children on the premises, signed in to child care, on an off-site trip from the early learning program, or being transported by the early learning program staff are counted in capacity including the children of staff.

(a) A center licensee must receive department approval to care for a child with special needs, pursuant to WAC 110-300-0300, if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in capacity and staff-to-child ratio.

(b) A child with special needs who requires individualized supervision pursuant to WAC 110-300-0300 does not count in the staff-to-child ratio.

(c) A child who turns thirteen years old permitted by chapter 110-15 WAC must be counted in both capacity and staff-to-child ratio.

(4) A center licensee must provide qualified staff to fulfill staffing requirements, staff-to-child ratios, group size, and mixed age grouping during operating hours, including off-site activities or when transporting children in care.

(5) In each classroom or well-defined space, the maximum group size and ratio of center staff members to children, including children related to staff or the licensee, must be:

(a) Infants (birth through eleven months of age) with a:

(i) Maximum group size of eight with a ratio of one staff to four children (1:4);

(ii) Maximum group size of nine with a ratio of 1:3.

(b) Toddlers (twelve through twenty-nine months of age) with a:

(i) Maximum group size of fourteen with a ratio of 1:7;

(ii) Maximum group size of fifteen with a ratio of 1:5.

(c) Preschoolers (thirty months through six years of age who are not attending kindergarten or elementary school) with a maximum group size of twenty with a ratio of 1:10; and

(d) School-age children (five years through twelve years of age who are enrolled in or attending kindergarten or elementary school) with a maximum group size of thirty with a ratio of 1:15.

(6) A center licensee may combine children of different age groups for periods of no more than the first two hours of the day or the last two hours of the day, not to exceed two hours in any given day, provided the staff-to-child ratio and group size designated for the youngest child in the mixed group are maintained.

(7) Children at least five years old and enrolled in or attending kindergarten may be a part of the preschool or school-age group if developmentally appropriate and the child's parent or guardian agrees to this placement.

(8) A center licensee must conduct activities for each group of children in a specific room or other defined space within a larger area.

(9) A center licensee must provide additional staff as described in WAC 110-300-0350 when children are participating in water activities or activities near water.

(10) When only one center staff is required to care for the only group of children on-site for up to an hour at the beginning or end of the day, the center licensee must ensure:

(a) That staff member provides an appropriate level of supervision at all times to the children in care;

(b) That staff member is free of all other duties while providing care to children; and

(c) A second individual with a cleared background check is on-site and readily available to respond if needed, or the department approves an alternate plan.

[WSR 18-15-001, recodified as § 110-300-0356, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0356, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0357 Center mixed age group capacity, ratio, and group size. (1) A center early learning program must do the following to mix age groups of children in care (in addition to any specific requirements of this section):

(a) Meet the square footage and staff-to-child ratio requirements for the youngest child present in the group;

(b) Meet the health, safety, and developmental needs for all ages of children in the mixed group; and

(c) Inform the department of the center's mixed age group policy.

(2) A center early learning program must do the following to mix groups of children birth to thirty-six months old with a maximum group size of eight children:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:4.

(3) A center early learning program must do the following to mix groups of children birth to thirty-six months old with a maximum group size of nine children:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:3.

(4) A center early learning program must do the following to mix groups of children twelve to thirty-six months old:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:7 with a maximum group size of fourteen children.

(5) A center early learning program must do the following to mix groups of children twelve to thirty-six months old:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:5 with a maximum group size of fifteen children.

(6) A center early learning program must do the following to mix groups of children between thirty-six months old through kindergarten with a maximum group size of twenty children:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10.

(7) A center early learning program must do the following to mix groups of children between thirty-six months old through kindergarten with a maximum group size of twenty-six children:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10.

(8) A center early learning program must do the following to mix groups of children four and one-half to nine years old with a maximum group size of twenty children:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10.

(9) A center early learning program must do the following to mix groups of children four and one-half to nine years old with a maximum group size of twenty-six children:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10.

[WSR 18-15-001, recodified as § 110-300-0357, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0357, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0360 Program and daily schedule. (1) An early learning provider must have an established program and daily schedule that is familiar to children.

(2) A schedule must be designed to meet enrolled children's developmental, cultural, and special needs. The daily schedule must:

(a) Be specific for each age group of children, when applicable;

(b) Offer a variety of activities to meet children's needs, pursuant to WAC 110-300-0150;

(c) Meet the following daily morning or afternoon active outdoor play time requirements:

(i) Twenty minutes for each three hours of programming for infants (as tolerated) and toddlers;

(ii) Thirty minutes for each three hours of programming for children preschool age and older; and

(iii) Programs that operate more than six hours a day must provide ninety minutes of active play for preschool age and up or sixty minutes of active play for infants and toddlers (thirty minutes of which may be moderate to vigorous indoor activities).

(d) Include scheduled and consistent times for meal service;

(e) Include routine transportation times, if applicable;

(f) Include rest periods, if applicable; and

(g) Include overnight care, if applicable.

[WSR 18-15-001, recodified as § 110-300-0360, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0360, filed 6/30/18, effective 8/1/19.]

PROGRAM ADMINISTRATION AND OVERSIGHT

Licensing Process

WAC 110-300-0400 Application materials. (1) After completing a department orientation an applicant must submit a complete license application packet, pursuant to chapter 43.216 RCW. This requirement also applies to a change of ownership. A complete license application packet includes:

(a) Professional and background information about the applicant:

(i) A completed department application form for the type of license being applied for (center or family home);

(ii) A copy of the applicant's orientation certificate (orientation must be taken within twelve months of license application);

(iii) A Washington state business license or a tribal, county, or city business or occupation license, if applicable;

(iv) Liability insurance, if applicable;

(v) Certificate of incorporation, partnership agreement, or similar business organization document, if applicable;

(vi) The license fee;

(vii) A copy of current government issued photo identification;

(viii) A copy of Social Security card or sworn declaration stating that the applicant does not have one;

(ix) Employer identification number (EIN) if applicant plans to hire staff; and

(x) Employment and education verification. For example, diploma, transcripts, or a sworn declaration stating that the applicant cannot verify education requirements.

(b) Information about the facility to be licensed:

(i) A floor plan, including use of proposed licensed and unlicensed space, with identified emergency exits and emergency exit pathways;

(ii) Certificate of occupancy, if applicable;

(iii) Documentation, no more than three years old, from a licensed inspector, septic designer, or engineer that states the septic system and drain field are maintained and in working order, if applicable;

(iv) *E. coli* bacteria and nitrate testing results for well water that is no more than twelve months old, if applicable;

(v) A lead or arsenic evaluation agreement for sites located in the Tacoma smelter plume (counties of King, Pierce, and Thurston); and

(vi) Lead and copper test results for drinking water;

(c) Program days and hours of operation, including closure dates and holiday observances; and

(d) Information about early learning program staff:

(i) List of applicant and household members, and if applicable and known, staff persons and volunteers required to complete the background check process as outlined in chapter 110-06 WAC; and

(ii) Resume for applicant, center director, assistant director, program supervisor, and family home lead teacher, if applicable.

(2) An applicant must include the following policy documents with the application, which will be reviewed by the department and returned to the applicant:

(a) Parent and program policies;

(b) Staff policies;

(c) An emergency preparedness plan; and

(d) Health policies.

(3) An applicant must submit the completed application packet at least ninety 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:

(a) The ninety calendar days begins when the department receives a complete application packet.

(b) Incomplete application packets will be returned to the applicant for completion.

(c) An applicant who is unable to successfully complete the application and licensing process within ninety days may withdraw the application and reapply when the applicant is able to meet the licensing requirements. If the applicant has completed the steps of the application process within ninety days but an external barrier out of the applicant's control exists, the reapplication fee will be waived one time.

(d) 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 43.216.325.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0400, filed 7/1/19, effective 8/1/19. WSR 18-14-078, recodified as § 110-300-0400, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, 43.215.201, and Governor Directive 16-06. WSR 17-10-032, § 170-300-0400, filed 4/26/17, effective 5/27/17.]

WAC 110-300-0401 License fees. (1) The rules establishing licensing fees within this chapter are adopted pursuant to RCW 43.216.300.

(2) The license fee is nonrefundable and is due:

(a) With the early learning applicant's initial license application packet; and

(b) Annually thereafter, thirty calendar days prior to the anniversary date of the license.

(3) Payment must be in the form of a check, credit or debit card, or money order.

(4) The annual fee for family home early learning programs is thirty dollars, or as otherwise set by the legislature.

(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.

[WSR 18-15-001, recodified as § 110-300-0401, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0401, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0402 Changing early learning program space or location. (1) An early learning provider must notify the department prior to making a change to early learning program space that may impact the health, safety, or welfare of enrolled children. Such changes include, but are not limited to:

(a) Moving early learning programs to a different residence, building, or facility (even if the new location is on the same premises);

(b) An early learning program altering a planned use of space including, but not limited to, the ages of children served in a room or previously unlicensed areas;

(c) Modifying facilities in a way that requires a permit under the Washington state building code or by a local jurisdiction, such as remodeling or renovating early learning program space; and

(d) Changing outdoor play areas, such as adding or altering the type of surface or altering stationary climbing or play equipment.

(2) An early learning provider must submit to the department the new proposed floor plan prior to making changes under subsection (1)(a) through (c) of this section.

(3) An early learning provider planning a change under subsection (1)(a) of this section must also:

(a) Submit a complete application, pursuant to WAC 110-300-0400, as soon as the provider plans to move and has an identified address, but not more than ninety calendar days before moving;

(b) 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 43.216.305; and

(c) Not operate a family home early learning program for more than two weeks following the move before having the department inspect the new location, pursuant to RCW 43.216.305.

[WSR 18-15-001, recodified as § 110-300-0402, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0402, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0410 License and program location. (1) An applicant for a license under this chapter must be at least eighteen years old.

(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 43.216 RCW, chapter 110-06 WAC, and other applicable laws and rules;

(c) Responsible for training early learning program staff on the foundational quality standards in this chapter; and

(d) Who resides on the early learning program premises (family home child care only), pursuant to RCW 43.216.010.

(3) Early learning program space must be located:

(a) On a site free from known environmental hazards;

(b) In an area where nonemergency 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.

(4) An early learning provider must prevent enrolled children from being exposed to the following known hazards within and around the licensed premises:

(a) Lead based paint;

(b) Plumbing and fixtures containing lead or lead solders;

(c) Asbestos;

(d) Arsenic, lead, or copper in the soil or drinking water;

(e) Toxic mold; and

(f) Other identified toxins or hazards.

(5) An early learning provider must place address numbers or signage on the outside of the house or building that contains the early learning program space. The numbers or signage must be legible and plainly visible from the street or road serving the premises.

(6) 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.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0410, filed 7/1/19, effective 8/1/19. WSR 18-14-078, recodified as § 110-300-0410, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, 43.215.201, and Governor Directive 16-06. WSR 17-10-032, § 170-300-0410, filed 4/26/17, effective 5/27/17.]

WAC 110-300-0415 Zoning, codes, and ordinances. (1) The department adopts and incorporates by reference the Washington state building code (chapter 19.27 RCW), as now and hereafter amended.

(2) Early learning program space must comply with the Washington state building code or local building code as enacted at the time of licensure. Facility modifications must comply with WAC 110-300-0402.

(3) Prior to licensing, an applicant must contact state, city, and local agencies that regulate the early learning program. An early learning provider must obtain regulations and comply with the direction given by such agencies. These agencies may include, but are not limited to, the Washington state department of labor and industries, the Washington state fire marshal, the Washington state department of health, and local health jurisdictions.

(4) Prior to licensing, a center early learning applicant must:

(a) 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

(b) Be inspected and approved by the state fire marshal.

[WSR 18-15-001, recodified as § 110-300-0415, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0415, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0420 Prohibited substances. (1) Chapter 70.160 RCW prohibits smoking in public places and places of employment.

(2) Pursuant to RCW 70.160.050, an early learning provider must:

(a) Prohibit smoking, vaping, or similar activities in licensed indoor space, even during nonbusiness hours;

(b) Prohibit smoking, vaping, or similar activities in licensed outdoor space unless:

(i) Smoking, vaping or similar activities occurs during nonbusiness hours; or

(ii) In an area for smoking or vaping tobacco products that is not a "public place" or "place of employment," as defined in RCW 70.160.020.

(c) Prohibit smoking, vaping, or similar activities in motor vehicles used to transport enrolled children;

(d) Prohibit smoking, vaping, or similar activities by any provider who is supervising children, including during field trips;

(e) Prohibit smoking, vaping, or similar activities within twenty-five feet from entrances, exits, operable windows, and vents, pursuant to RCW 70.160.075; and

(f) Post "no smoking or vaping" signs. Signs must be clearly visible and located at each building entrance used as part of the early learning program.

(3) An early learning provider must:

(a) Prohibit any person from consuming or being under the influence of alcohol on licensed space during business hours;

(b) Prohibit any person within licensed space from consuming or being under the influence of illegal drugs or prescription drugs to the extent that it interferes with the care for children as required by this chapter;

(c) Store any tobacco or vapor products, or the packaging of tobacco or vapor products in a space that is inaccessible to children;

(d) Prohibit children from accessing cigarette or cigar butts or ashes;

(e) Store any cannabis or associated paraphernalia out of the licensed space and in a space that is inaccessible to children; and

(f) Store alcohol in a space that is inaccessible to children (both opened and closed containers).

(4) A center early learning provider must prohibit any person from using, consuming, or being under the influence of cannabis in any form on licensed space.

(5) A family home early learning provider must prohibit any person from using, consuming, or being under the influence of cannabis products in any form on licensed space during business hours.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0420, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0420, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0420, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0425 Initial, nonexpiring, 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 43.216.315.

(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.

(2) The department may issue a nonexpiring license to a licensee operating under an initial license who demonstrates compliance with the requirements of this chapter during the period of initial licensure, pursuant to RCW 43.216.305.

(3) A licensee must submit annual compliance documents at least thirty calendar days prior to that provider's anniversary date. A provider's anniversary date is the date the first initial license was issued. Pursuant to RCW 43.216.305, the required annual compliance documents are:

(a) The annual nonrefundable license fee;

(b) A declaration on the department's form indicating:

(i) The intent to continue operating a licensed early learning program;

(ii) The intent to cease operation as a licensed early learning program;

(iii) A change in the early learning program's operational hours or dates; and

(iv) The intent to comply with all licensing rules.

(c) Documentation of completed background check applications as determined by the department's established schedule, pursuant to RCW 43.216.270(2); and

(d) 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 thirty calendar days prior to the anniversary date.

(4) If a licensee fails to meet the requirements for continuing a nonexpiring license by their anniversary date, the licensee's current license expires. The early learning provider must submit a new application for licensure, pursuant to RCW 43.216.305(3).

(5) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practices, pursuant to RCW 43.216.305 (4)(a).

(6) A licensee has no right to an adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring license resulting from a failure to comply with the requirements of this section.

(7) A licensee must have department approval to hold dual licenses (for example: An early learning program license and another care giving license, certification, or similar authorization).

(8) If the department determines that a licensee is not meeting all applicable requirements and regulations:

(a) The department and licensee may agree to modify 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 early learning license, pursuant to RCW 43.216.325.

(9) An early learning provider must report within twenty-four hours:

(a) To the department and local authorities: A fire or other structural damage to the early learning program space or other parts of the premises;

(b) To the department:

(i) A retirement, termination, death, incapacity, or change of the program director, or program supervisor, or change of ownership or incorporation of a provider;

(ii) When a provider becomes aware of a charge or conviction against themselves, a staff person or, applicable household member, pursuant to WAC 110-06-0043;

(iii) 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 house hold member, if applicable;

(iv) A change in the number of household members living within a family home early learning program space. This includes individuals fourteen years old or older that move in or out of the home, or a resignation or termination, pursuant to RCW 43.216.390. A birth or death

affecting the number of household members must be reported within twenty-four hours or at first opportunity; and

(v) Any changes in the early learning program hours of operation to include closure dates.

(10) Prior to increasing capacity of an early learning program, the licensee, center director, assistant director, or program supervisor must request and be approved to increase capacity by the department.

(11) Licensee, center director, assistant director, or program supervisor must have state fire marshal or department approval and comply with local building ordinances following a significant change under WAC 110-300-0402 (1)(a) through (c), if applicable.

(12) Licensee, center director, assistant director, or program supervisor must notify the department within thirty calendar days when liability insurance coverage under RCW 43.216.700 has lapsed or been terminated.

[WSR 18-15-001, recodified as § 110-300-0425, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0425, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0435 Waiver from department rules—WAC. (1) The department cannot waive a requirement of state law (RCW) or federal law.

(2) Pursuant to RCW 43.216.065, the department may approve a waiver from a rule in this chapter if it does not jeopardize the health, safety, or welfare of the children in care.

(3) An early learning provider's request for a waiver from a rule in this chapter must be:

(a) Submitted in writing on the department's form to the local licensing office;

(b) Approved in writing by the department director or the director's designee prior to the early learning provider implementing the waiver from the rule; and

(c) For a specific program need or child.

(4) A granted waiver may be time specific or may remain in effect for as long as the early learning provider continues to comply with the conditions of the waiver. If the waiver from the rule is time limited, the provider must not exceed the time frame established by the department.

(5) The department may revoke a granted waiver if a licensing rule which was considered in granting the waiver is materially altered or amended.

[WSR 18-15-001, recodified as § 110-300-0435, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0435, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0436 Variance from department rules—WAC. (1) The department cannot provide variance from a requirement in state (RCW) or federal law.

(2) 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.

(3) A request for variance from a rule in this chapter must be:

(a) Submitted in writing on the department's form to the local licensing office;

(b) Approved in writing by the department director or the director's designee prior to the early learning provider implementing the variance from the rule; and

(c) For a specific program approach or methodology.

(4) A granted variance may be time specific 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 time frame established by the department.

(5) The department may revoke a granted variance if a licensing rule which was considered in granting the variance is materially altered or amended.

[WSR 18-15-001, recodified as § 110-300-0436, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0436, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0440 Facility licensing compliance agreements, non-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 43.216 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 43.216 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 licensee.

(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.

(3) An early learning provider may request an internal review process regarding the violation of department rules pursuant to RCW 43.216.395.

(4) 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.

(5) If an early learning provider refuses a FLCA or probationary license, this may result in any of the following enforcement actions:

(a) Modification of the license;

(b) Noncontinuation of a nonexpiring license;
(c) Suspension of the license;
(d) Revocation of the license; or
(e) Civil penalties.

(6) The department may place an early learning provider on nonreferral status, pursuant to RCW 43.216.325(4), in addition to or in lieu of an enforcement action under this chapter.

(7) A probationary license may be issued to an early learning provider or program operating under a nonexpiring 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 43.216.320(2).

(8) A department decision to issue a probationary license is based on an early learning program or provider's:

(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 and 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 43.216 RCW.

(9) 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 or 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) Return the early learning program's nonexpiring license to the department; and
(e) Post documentation of the approved written probationary license as required by RCW 43.216.687.

(10) Pursuant to RCW 43.216.689, an early learning provider must have inspection reports and notices of enforcement actions for the past three years readily available for review by the department, parents, and the public.

[WSR 18-15-001, recodified as § 110-300-0440, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0440, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0443 Enforcement actions, notice, and appeal. (1) Pursuant to RCW 43.216.325, the department is authorized to take enforcement actions when an early learning provider fails to comply with

this chapter or chapter 43.216 RCW. Enforcement actions are taken pursuant to RCW 43.216.020, 43.216.065, and 43.216.250. Enforcement actions include civil monetary penalties (fines) and the denial, suspension, revocation, modification, or nonrenewal of a license.

(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 110-03 WAC, DCYF hearing rules.

(3) 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:

(a) The reason why the department is taking the action;

(b) The rules the provider failed to comply with;

(c) The provider's right to appeal enforcement actions; and

(d) How the provider may appeal and request a hearing.

(4) Fines shall not exceed two hundred fifty dollars per day per violation for center early learning programs or one hundred fifty dollars per day per violation for family home early learning programs, or as otherwise set by the legislature. Fines may be:

(a) Assessed and collected with interest for each day a violation occurs;

(b) Imposed in addition to other enforcement actions; and

(c) Withdrawn or reduced if an early learning provider comes into compliance during the notification period.

(5) An early learning provider must pay fines within twenty-eight calendar days after receiving a notice of violation unless:

(a) The office of financial recovery establishes a payment plan for the provider; or

(b) The provider requests a hearing, pursuant to chapter 110-03 WAC, DCYF hearing rules and RCW 43.216.335(3).

(6) The department may suspend or revoke a license if an early learning provider fails to pay a fine within twenty-eight calendar days or becomes delinquent in making payments, pursuant to RCW 43.216.327 and 43.216.335. 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.

[WSR 18-15-001, recodified as § 110-300-0443, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0443, filed 6/30/18, effective 8/1/19.]

Records, Policies, Reporting and Posting

WAC 110-300-0450 Parent or guardian handbook and related policies. (1) An early learning provider must supply to each parent or guardian written policies regarding the early learning program. Each enrolled child's record must have signed documentation stating the parent or guardian reviewed the handbook and early learning program policies.

(2) An early learning provider must have and follow formal written policies in either paper or electronic format, including:

(a) A nondiscrimination statement;

(b) A family engagement and partnership communication plan;

(c) A parent or guardian's permission for photography, videotaping, or surveillance of his or her child;

(d) Alcohol, tobacco, cannabis use and prohibition of illegal drugs;

(e) Curriculum philosophy on how children learn and develop, and how this philosophy is implemented;

(f) Child guidance plan, which includes restraint policies and forbidding corporal punishment;

(g) Expulsion policy;

(h) Early learning program staff-to-child ratios and classroom types offered, if applicable;

(i) If the early learning program offers any of the following, they must include a policy for each that applies to their program:

(i) Care for children with specific or special needs;

(ii) Infant and toddler care, covering:

(A) Diapering;

(B) Feeding;

(C) Toilet training;

(D) Child sleep pattern; and

(E) Safe sleep requirements.

(iii) Dual language learning;

(iv) Religious and cultural activities, including how holidays will be celebrated;

(v) Transportation and off-site field trips;

(vi) Water activities;

(vii) Overnight care; and

(viii) How weapons on the premises are secured.

(j) Program days and hours of operation, including closure dates and observed holidays;

(k) Enrollment and disenrollment requirements;

(l) Fees and payment plans;

(m) Sign-in and sign-out requirements;

(n) Information required for the child's record, including:

(i) The importance and plan for keeping the information current;

(ii) A plan to keep the child's information confidential; and

(iii) Who may legally access the child's information.

(o) A kindergarten transition plan, if applicable;

(p) What parents or guardians must supply for their child (for example: Extra clothing or diapers);

(q) Permission for a parent or guardian's access to areas of the early learning program during business hours;

(r) Termination of services policy;

(s) Emergency preparedness plan;

(t) The early learning provider and program staff's duty to report incidents including reporting suspected child abuse, neglect, sexual abuse, or maltreatment;

(u) Policies regarding mixed age groups, if applicable (including when children may be in a mixed age group);

(v) Description of where the parent or guardian may find and review the early learning program's:

(i) Health policy;

(ii) Staff policies, if applicable;

(iii) Consistent care policy;

(iv) Menus;

(v) Liability insurance;

(vi) Inspection reports and notices of enforcement actions, if applicable; and

(vii) Other relevant program policies.

[WSR 18-15-001, recodified as § 110-300-0450, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0450, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0455 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 work, an agreed upon alternate schedule, or travel to and from the early learning program.

(2) An early learning provider must keep daily child attendance records, either in paper or electronic format, for each child (including the children of staff in the program). These records must be easily accessible and kept on-site or in the program's administrative office for department review. These records 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 or electronic signature of parent, guardian or other authorized person at the time of arrival and departure; and

(e) A staff signature when a child leaves the early learning program to attend school or participate in off-site activities not offered by the early learning program.

(3) An early learning provider must keep daily staff attendance records for each center classroom or family home program. These attendance records must be on paper or in an electronic format and clearly document:

(a) The name of each staff member (including staff assigned to care for children with special needs and one-on-one care) and volunteers;

(b) The number of children in each classroom or family home program;

(c) The staff-to-child ratio;

(d) The date; and

(e) Start and end times of the assigned staff or volunteers.

(4) If the attendance records are kept electronically, the electronic system must:

(a) Record either an electronic signature, swipecard, personal identification number (PIN), biometric reader, or similar action by the parent or authorized person when signing the child in or out of care (or staff notation of who picked up or dropped off along with time in and out if authorized person does not have electronic signature, swipe card, PIN, biometric reader or similar action);

(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.

(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 person signing the electronic record; and

(c) The date signatures were executed.

[WSR 18-15-001, recodified as § 110-300-0455, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0455, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0460 Child records. (1) An early learning provider must keep current individualized enrollment and health records for all enrolled children, including children of staff, updated annually or more often as health records are updated.

(a) A child's record must be kept in a confidential manner but in an area easily accessible to staff.

(b) A child's parent or guardian must be allowed access to all of his or her own child's records.

(2) Each child's enrollment record must include the following:

(a) The child's birth date;

(b) An enrolled child's parent or phone numbers, address, and contact information for reaching the family while the child is in care;

(c) Emergency contact information. If no emergency contact is available, a written and signed emergency contact plan may be accepted;

(d) Names and phone numbers of persons authorized to pickup enrolled children;

(e) A plan for special or individual needs of the child, if applicable, including parent or guardian signature, pursuant to WAC 110-300-0300;

(f) Signed parent or guardian permissions, pursuant to WAC 110-300-0450 as applicable for:

(i) Field trips;

(ii) Transportation;

(iii) Bathing;

(iv) Water activities including swimming pools or other bodies of water; and

(v) Photo, video, or surveillance activity.

(g) The beginning and end enrollment date for children no longer in the early learning program's care;

(h) A parent or guardian approved plan for use of physical restraint and documentation of parental or guardian notification;

(i) Expulsion information, documentation, and steps taken to avoid expulsion;

(j) Termination of services documentation and communication; and

(k) Notification of child developmental screening information given to the child's parent or guardian, if applicable.

(3) Each child's health record and the information described in subsection (2)(a) through (e) of this section must be available to staff for medical administration or emergencies.

(4) A health record is required for every child who is enrolled and counted in an early learning program's capacity. A health record must include:

(a) An immunization record, pursuant to WAC 110-300-0210(1);

(b) The child's health history including any known health conditions and the child's individual care plan, if applicable;

(c) A medication authorization and administration log, pursuant to WAC 110-300-0215, 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 or what facility the parent or guardian would prefer for treatment;

(f) Dates of the child's last physical exam and dental exam, if available;

(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 who provide direct services to children at the early learning program;

(i) An incident or injury report that includes:

(i) The date and description of the child's 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 incident or injury report was given to the child's parent or guardian.

(j) Documentation that a provider reported food poisoning or contagious diseases to the local health jurisdiction or the department of health, if applicable.

[WSR 18-15-001, recodified as § 110-300-0460, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0460, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0465 Retaining facility and program records. (1) An early learning provider must keep the records required in this chapter for a minimum of three years unless otherwise indicated.

(2) Attendance records must be kept for a minimum of five years.

(3) Facility and program records from the previous twelve months must be easily accessible and kept on-site or in the program's administrative office for department or other state agency's review.

(4) Records older than twelve months must be provided within two weeks of a written request by the department.

(5) An early learning provider must keep the following records available for department review:

(a) The parent or guardian handbook;

(b) Furniture, sleep, and play equipment forms and specifications;

(c) Chromated copper arsenate test results, if applicable;
(d) Annual fire inspection by qualified fire professional, if applicable;
(e) Annual inspection of chimney, wood stove, and fireplace, if applicable;
(f) Monthly inspection to identify fire hazards and elimination of such hazards;
(g) Monthly testing of smoke and carbon monoxide detectors;
(h) Monthly fire extinguisher inspection and annual maintenance;
(i) Food temperature logs pursuant to CACFP, if applicable;
(j) Child incident and illness logs;
(k) Vaccination records for pets or animals housed at the early learning provider program;
(l) Lead and copper testing results;
(m) Private well and septic systems inspection and testing results, if applicable;
(n) Cleaning log for large area rugs or carpets;
(o) Pesticide use (seven years);
(p) Car insurance policy, if applicable;
(q) Monthly site visit from child care health consultant, if applicable;
(r) Tacoma smelter inspection results;
(s) Curriculum planning schedule;
(t) Strengthening families program self-assessment or an equivalent assessment;
(u) Documents from department visits (inspections, monitoring, compliance agreements, and safety plans); and
(v) Waivers or variances from department rules, if applicable.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0465, filed 7/1/19, effective 8/1/19. WSR 18-14-078, recodified as § 110-300-0465, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, 43.215.201, and Governor Directive 16-06. WSR 17-10-032, § 170-300-0465, filed 4/26/17, effective 5/27/17.]

WAC 110-300-0470 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 to when changes are made. Emergency preparedness plans must:
(a) Be designed to respond to fire, natural disasters, and other emergencies that might affect the early learning program;
(b) Be specific to the early learning program and able to be implemented during hours of operation;
(c) Address what the provider would do if the provider has an emergency and children may be left unsupervised;
(d) Address what the early learning program must do if parents are not able to get to their children for up to three days;
(e) Must follow requirements in chapter 212-12 WAC, Fire marshal standards, as now or hereafter amended and the state fire marshal's office requirements if a center early learning program;
(f) Be reviewed at program orientation, annually with all early learning program staff with documented signatures, and when the plan is updated; and
(g) Be reviewed with parents or guardians when a child is enrolled and when the plan is updated.

(2) The written emergency preparedness plan must cover at a 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 emergency exit windows for family-home based programs as described in WAC 51-51-0326;

(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 may include infant evacuation cribs (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;

(viii) How parents or guardians will be able to contact the early learning program; and

(ix) 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) Public safety related lockdown 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.

(d) How parents or guardians will be contacted after the emergency ends.

(3) An early learning provider must keep on the premises a three day supply of food, water, and life-sustaining medication for the licensed capacity of children and current staff for use in case of an emergency.

(4) An early learning provider must practice and record emergency drills with staff and children as follows:

(a) Fire and evacuation drill once each calendar month;

(b) Earthquake, lockdown, or shelter-in-place drill once every three calendar months;

(c) Emergency drills must be conducted with a variety of staff and at different times of the day, including in the evening and during overnight hours for early learning programs that care for children during those hours; and

(d) Drills must be recorded on a department form and include:

(i) The date and time of the drill;

(ii) The number of children and staff who participated;

(iii) The length of the drill; and

(iv) Notes about how the drill went and how it may be improved.

(5) In areas where local emergency plans are already in place, such as school districts, an early learning program may adopt or amend such procedures when developing their own plan.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0470, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0470, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0470, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0475 Duty to protect children and report incidents. (1) Pursuant to RCW 26.44.030, when an early learning provider has reasonable cause to believe that a child has suffered abuse or neglect, that provider must report such incident, or cause a report to be made, to the proper law enforcement agency or the department. "Abuse or neglect" has the same meaning here as in RCW 26.44.020.

(2) An early learning provider must report by telephone to the listed individuals, department, and other government agencies when the provider knows or has reason to know of an act, event, or occurrence described in (a) through (f) of this subsection.

(a) Law enforcement or the department at the first opportunity, but in no case longer than forty-eight hours:

(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 twenty-four hours:

(i) A child missing from care, triggered as soon as staff realizes the child is missing;

(ii) A medical emergency that requires immediate professional medical care;

(iii) A child who is given too much of any oral, inhaled, or injected medication;

(iv) A child who took or received another child's medication;

(v) A fire or other emergency;

(vi) Poisoning or suspected poisoning; or

(vii) Other dangers or incidents requiring emergency response.

(c) Washington poison center immediately after calling 911, and to the department within twenty-four hours:

(i) A poisoning or suspected poisoning;

(ii) A child who is given too much of any oral, inhaled, or injected medication; or

(iii) A child who took or received another child's medication;

(iv) The provider must follow any directions provided by Washington poison center.

(d) The local health jurisdiction or the department of health immediately, and to the department within twenty-four hours about an occurrence of food poisoning or reportable contagious disease as defined in chapter 246-110 WAC, as now or hereafter amended;

(e) The department at the first opportunity, but in no case longer than twenty-four hours, upon knowledge of any person required by chapter 110-06 WAC to have a change in their background check history due to:

(i) A pending charge or conviction for a crime listed in chapter 110-06 WAC;

(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 of a crime listed in the director's list in chapter 110-06 WAC from outside Washington state, or a "negative action" as defined in RCW 43.216.010.

(f) A child's parent or guardian as soon as possible, but no later than the release of the child at the end of the day, and to the department within twenty-four hours, about using physical restraint on a child as described in WAC 110-300-0335.

(3) In addition to reporting to the department by phone or email, an early learning provider must submit a written incident report of the following on a department form within twenty-four hours:

(a) Situations that required an emergency response from emergency services (911), Washington poison center, or department of health;

(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.

(4) An early learning provider must immediately report to the parent or guardian:

(a) Their child's death, serious injury, need for emergency or poison services; or

(b) An incident involving their child that was reported to the local health jurisdiction or the department of health.

[Statutory Authority: RCW 43.216.055, 43.216.065, 43.216.250 and chapter 43.216 RCW. WSR 19-22-103, § 110-300-0475, filed 11/6/19, effective 12/7/19. WSR 18-15-001, recodified as § 110-300-0475, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0475, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0480 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 nonmotorized travel offered to children in care.

(a) The transportation and off-site activity policy must include routine trips, which must not exceed two hours per day for any individual child.

(b) Written parent or guardian authorization to transport the parent or guardian's child. The written authorization must be:

(i) A specific event, date, and anticipated travel time;

(ii) A specific type of trip (for example, transporting to and from school, or transporting to and from a field trip); or

(iii) A full range of trips a child may take while in the early learning provider's care.

(c) Written notices to parents or guardians, to be given at least twenty-four hours before field trips are taken.

(2) 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;

(d) Maintain the staff-to-child ratio, mixed groupings, and active supervision requirements;

(e) Have a current first-aid and CPR certification pursuant to WAC 110-300-0106(11);

(f) Take attendance using a roll call or other method that assures all children are accounted for each time children begin and end travel to an off-site activity, and every time children enter and exit a vehicle; and

(g) Never leave children unattended in the vehicle.

(3) When an early learning provider supplies the vehicle 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;

(d) Maintain the vehicle temperature at a comfortable level to children;

(e) Assure the vehicle has a current license and registration as required by Washington state transportation laws;

(f) Assure the vehicle has emergency reflective triangles or other devices to alert other drivers of an emergency;

(g) Assure the driver has a valid driver's license for the type of vehicle being driven and a safe driving record for at least the last five years;

(h) Prevent any driver with a known condition that would compromise driving, supervision, or evacuation capabilities from operating program vehicles; and

(i) Have a current insurance policy that covers the driver, the vehicle, and all occupants.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 20-11-026, § 110-300-0480, filed 5/13/20, effective 6/13/20. WSR 18-15-001, recodified as § 110-300-0480, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0480, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0485 Termination of services policy. An early learning provider may terminate a child's services due to that child's parent or guardian's inability to meet the expectations and requirements of the early learning program. Expectations and requirements of the program may include unpaid bills, continual late arrivals, or a parent, guardian or family member's inappropriate or unsafe behavior in or near early learning program space.

[WSR 18-15-001, recodified as § 110-300-0485, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0485, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0486 Expulsion policy. (1) An early learning provider must have and follow an expulsion policy, pursuant to WAC 110-300-0340.

(2) An expulsion policy must:

(a) Provide examples of behavior that could lead to expulsion from the early learning program;

(b) Detail steps the provider takes to avoid expelling a child including, but not limited to, environmental and staffing changes;

(c) Detail how the provider communicates to the parent or guardian of a child the steps taken under (b) of this subsection; and

(d) Include information that may benefit an expelled child including, but not limited to, community based resources.

[WSR 18-15-001, recodified as § 110-300-0486, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0486, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0490 Child restraint policy. (1) An early learning provider must have and follow a child restraint policy that contains behavior management and practices, pursuant to WAC 110-300-0335.

(2) A restraint policy must be:

(a) Appropriate for children's developmental level, abilities, and language skills;

(b) Directly related to the child's behavior; and

(c) Designed to be consistent, fair, and positive.

(3) Family home licensees, center directors, assistant directors, program supervisors, lead teachers and other appropriate staff members must be trained annually in the program's child restraint policy.

(4) Only trained staff may restrain a child in care in accordance with WAC 110-300-0335.

[WSR 18-15-001, recodified as § 110-300-0490, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0490, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0495 Consistent care policy. (1) An early learning program must have and follow a policy that promotes the consistent care of children.

(2) 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.

[WSR 18-15-001, recodified as § 110-300-0495, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0495, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0500 Health policy. (1) An early learning provider must have and follow a written health policy reviewed and approved by the department that includes the topics listed in subsection (2) of this section. The health policy must be reviewed and approved by the department when changes are made, and as otherwise necessary.

(2) An early learning program's health policy must meet the requirements of this chapter including, but not limited to:

(a) A prevention of exposure to blood and body fluids plan;

(b) Meals, snacks, and food services including guidelines for food allergies and food brought from home;

(c) Handwashing and hand sanitizer use;

(d) Observing children for signs of illness daily;

(e) Exclusion and return of ill children, staff, or any other person in the program space;

(f) Contagious disease notification;

(g) Medical emergencies, injury treatment and reporting;

(h) Immunization tracking;

(i) Medication management, storage, administration and documentation;

(j) Care for pets and animals that have access to licensed space and the health risks of interacting with pets and animals;

(k) How general cleaning will be provided and how areas such as food contact surfaces, kitchen equipment, toys, toileting equipment, and laundry will be cleaned, sanitized and disinfected;

(l) Pest control policies;

(m) Caring for children with special needs or health needs, including allergies, as listed in the child's record; and

(n) Dental hygiene practices and education.

[WSR 18-15-001, recodified as § 110-300-0500, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0500, filed 6/30/18, effective 8/1/19.]

WAC 110-300-0505 Postings. (1) Postings listed in subsection (2) of this section that are part of an early learning program must be clearly visible to parents, guardians, and early learning program staff.

(2) Postings on early learning premises must include:

(a) The child care license, pursuant to WAC 110-300-0010;

(b) Floor plan with emergency routes and exits identified in each child care area, pursuant to WAC 110-300-0400 (1)(b)(i) and 110-300-0470 (2)(a)(i);

(c) Dietary restrictions, known allergies, and nutrition requirements, if applicable, in a location easily accessible for staff but not available to those who are not parents or guardians of the enrolled child, pursuant to WAC 110-300-0186(8);

(d) Handwashing practices at each handwashing sink, pursuant to WAC 110-300-0200(1);

(e) If applicable, diaper changing or stand-up diapering procedure at each diapering station, pursuant to WAC 110-300-0220 and 110-300-0221 (1)(d);

(f) Pesticide treatment, if applicable, pursuant to RCW 43.216.280 and 17.21.410 (1)(d);

(g) Emergency numbers and information including, but not limited to:

(i) 911 or emergency services number;

(ii) Name, address and directions from the nearest arterial street or nearest cross street to the facility;

(iii) The department's toll-free number;

(iv) Washington poison center toll-free number; and

(v) The department's child protective services.

(h) The location of emergency medical information for children and staff;

(i) A notice of any current or pending enforcement action, including probationary licenses pursuant to RCW 43.216.687. Notice must be posted:

(i) Immediately upon receipt; and

(ii) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer.

(j) A notice of safe sleep violation in the licensed space as required by WAC 110-300-0291(2), if applicable;

(k) "No smoking" and "no vaping" signs, pursuant to WAC 110-300-0420 (2)(f);

(l) A copy of a department approved waiver or variance from a rule of this chapter, if applicable. Waivers or variances must be posted for parent or guardian view when related to the overall program (not related to any specific child), and as long as the waiver or variance is approved;

(m) Insurance coverage, or a lapse or termination of such coverage if applicable, pursuant to RCW 43.216.700; and

(n) Any other information listed in RCW 43.216.687.

[WSR 18-15-001, recodified as § 110-300-0505, filed 7/5/18, effective 7/5/18. Statutory Authority: RCW 43.215.070, 43.215.201 and chapter 42.56 RCW. WSR 18-14-079, § 170-300-0505, filed 6/30/18, effective 8/1/19.]