

## NEGOTIATED RULE MAKING

Dates: July 21 – 23, 2017

Location: Red Lion Hotel, Olympia, Washington

Participants: Family Home Child Care Providers  
Center Child Care Providers  
Families/Parents  
Head Start/ECAP Providers  
DEL Licensing Staff

Others Present: Tina Chen-Xu, Hallie Wells, Zane Wyrick, Public Consulting Group, Facilitators  
Lori Anderson, Department of Early Learning, Mediator  
Debbie O'Neil, Tyler Farmer, Sonya Stevens, Brett Skinner, Department of Early Learning, Data & Content Experts  
Luba Bezborodnikova, Project Manager

Agenda: See Attachment A

Summary: See Attachment B

Public Comment: Rachel Acheson, Little Edisons School, Pullman, WA

Materials available online at <https://www.del.wa.gov/Negotiated-Rule-Making>

# Negotiated Rule Making

**Friday, July 28, 2017**  
**10 AM – 5:00 PM**

10:00 – 10:45 AM	<p>Welcome</p> <ul style="list-style-type: none"> <li>• Agenda Review</li> <li>• Proposed Updates to Protocol</li> <li>• Review of Opening Slides</li> </ul>
10:45 – 11:15 AM	<p>Enforcement Approach</p> <ul style="list-style-type: none"> <li>• FLCA Discussion</li> </ul>
11:15 – 11:30 AM	BREAK
11:30– NOON	<p>Enforcement Approach</p> <ul style="list-style-type: none"> <li>• FLCA Discussion</li> </ul>
NOON-1:00 PM	LUNCH
1:00 – 2:15 PM	<p>Enforcement Approach Negotiation</p> <ul style="list-style-type: none"> <li>• 0400</li> <li>• 0441</li> <li>• 0442</li> <li>• 0443</li> </ul>
2:15 – 2:30 PM	BREAK
2:30 – 3:30 PM	<p>Enforcement Approach Negotiation</p> <ul style="list-style-type: none"> <li>• Remaining Enforcement sections</li> <li>• Prep Team Environment Sections</li> </ul>
3:30- 3:45 PM	BREAK
3:45 – 4:15 PM	Public Comments **
4:15 – 4:45 PM	<p>Enforcement Approach Negotiation</p> <ul style="list-style-type: none"> <li>• Prep Team Environment Sections</li> </ul>
4:45 – 5:00 pm	Wrap up, Saturday logistics

**Saturday, July 22, 2017**  
**8:30 AM – 4:00 PM**

8:30 – 9:00 AM	Brief Introduction & Recap
9:00 – 9:45 AM	Environment Negotiation
9:45 – 10:00 AM	BREAK
10:00 –11:15 AM	Environment Negotiation

11:15 – 11:30 AM	BREAK
11:30 AM – NOON	Environment Negotiation
Noon – 1:00 PM	LUNCH
1:00 – 2:30 PM	Environment Negotiation
2:30 – 2:45 PM	BREAK
2:45- 3:15 PM	Environment Negotiation
3:15 – 3:45 PM	Public Comments**
3:45 – 4:00 PM	Wrap up, Sunday logistics

**Sunday, July 23, 2017**  
**8:30 AM – 12 Noon**

8:30 – 8:45 AM	Brief Introduction & Recap
8:45 – 10:00 AM	Environment Negotiation
10:00 – 10:15 AM	BREAK
10:15 – 11:15 AM	Environment Negotiation
11:15– 11:30 AM	BREAK
11:30 – 11:55 AM	Public Comments**
11:55 – Noon	Wrap Up
12 Noon	LUNCH / TEAM TIME

\* 1-2 minute breaks occurring every 20 or 30 minutes during Negotiations

\*\* Excess time will be used for negotiation or preparing for the next day, as necessary.

The following table outlines the progress made during the July 2017 Negotiated Rule Making.

<b>ENVIRONMENT</b>		
<b>SECTION</b>	<b>TITLE</b>	<b>RESOLUTION</b>
170-300-0130	Indoor Early Learning Program Space	Consensus reached
170-300-0135	Routine Care, play, learning, relaxation, and comfort	Consensus reached
170-300-0140	Room Arrangement, child-related displays, private spaces, and belonging	Consensus reached
170-300-0145	Outdoor early learning program space	Consensus reached
170-300-0146	Outdoor early learning equipment and surfaces	Consensus reached
170-300-0147	Weather Conditions and outdoor requirements	Consensus reached
170-300-0148	Gardens in outdoor learning program space	Consensus reached
170-300-0150	Program and Activities	Consensus reached
170-300-0155	Use of television, video, and computers	Consensus reached on (1-5), (6) tabled
<b>PROGRAM ADMINISTRATION AND OVERSIGHT (Enforcement)</b>		
<b>SECTION</b>	<b>TITLE</b>	<b>RESOLUTION</b>
170-300-0400	Application Materials	Consensus reached
170-300-0441	Department action and scoring approach	Consensus reached
170-300-0442	Compliance and enforcement actions	Consensus reached
170-300-0443	Enforcement actions, notice, and appeal	Consensus reached

**170-300-0130**

**Indoor early learning program space. [AL1]**

~~(1) Indoor center early learning program space must comply with the Washington State Building Code (chapter 19.27 RCW) and the International Building Code (chapter 51-50 WAC) which the department adopts and incorporates by reference as now or hereafter amended. Weight #7~~

~~(2) Indoor family home early learning program space must comply with the International Residential Code (chapter 51-51 WAC) which the department adopts and incorporates by reference as now or hereafter amended. Weight NA~~

~~(3) Indoor early learning program space includes only the space intended to be used by children in care and must be accessible during program operating hours. Weight #4~~

~~(4) Early learning program space, ramps, and handrails must comply with, be accessible to, and accommodate children and adults with disabilities as required by the ADA, as now and hereafter amended. Weight #4~~

~~(4) 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. Weight #4~~

~~(5) Early learning program space must include pathways for children to move between areas without disrupting another child's work or play. Weight #4~~

~~(6) A Family Home Licensee must provide a signed and dated declaration form, (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) if the early learning program meets any of the following requirements in unlicensed space:~~

- ~~(a) Furnace area safety, or smoke or carbon monoxide detector requirements under WAC 170-300-0170(3);~~
- ~~(b) Guns, weapon, or ammunition storage under WAC 170-300-0165(2)(f);~~
- ~~(c) Medication storage under WAC 170-300-0215;~~
- ~~(d) Refrigerator or freezer under WAC 170-300-0198; or~~

~~(e) Storage areas that contain chemicals, utility sinks, or wet mops under WAC 170-300-0260. Weight NA~~

**170-300-0130**

**Indoor early learning program space.**

(1) Indoor early learning program space ~~includes only the space intended to be used by children in care and~~ must be accessible during program operating hours. Weight #4

(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 ADA, as now and hereafter amended. Weight #2.

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

(4) A Family Home Licensee must provide a signed and dated declaration form annually, (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) if the early learning program meets any of the following requirements in unlicensed space:

(a) Furnace area safety, or smoke or carbon monoxide detector requirements under WAC 170-300-0170(3);

(b) Guns, weapon, or ammunition storage under WAC 170-300-0165(2)(f);

(c) Medication storage under WAC 170-300-0215;

(d) Refrigerator or freezer under WAC 170-300-0198; or

(e) Storage areas that contain chemicals, utility sinks, or wet mops under WAC 170-300-0260. Weight NA

**170-300-0135**

**Routine care, play, learning, relaxation, and comfort.**

(1) An early learning provider must have accessible and child-size [or, altered and adapted in a family home,](#) furniture and equipment in sufficient quantity for the number of children in care. Tables must not be bucket style. **Weight #4**

~~(2) Furniture and equipment must be:~~

- ~~(a) Maintained in a safe working condition;~~
- ~~(b) Developmentally and age appropriate;~~
- ~~(c) Inspected at least weekly for hazards, broken parts, or damage. All equipment with hazardous, broken parts, or damage must be repaired immediately or must be made 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 specifications. An early learning provider must keep manufacturer specifications on file for review by the department;~~
- ~~(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. **Weight #6**~~

(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 immediately or must be made 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 specifications. [For furniture and equipment purchased after the date this section becomes effective,](#) An early learning provider must keep manufacturer specifications, [if available,](#) on file for review by the department;
- (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. [Weight 5](#)

~~\_(3) Indoor handmade play structures must be maintained for safety or removed when no longer safe. The department must review and approve construction plans and a list of materials to be used to construct indoor handmade play structures before construction begins. Weight #5~~

(4) (3) An early learning provider must provide 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, stuffed animals and culturally responsive soft dolls. Soft furnishings must be:

~~(a) Accessible to the children in care;~~

~~(b) Developmentally appropriate for the children in care; and~~

~~(c) Maintained in a clean and sanitary condition. Weight #4~~



**170-300-0140**

**Room arrangement, child-related displays, private space, and belongings.**

(1) Early learning materials and equipment must be visible and [reasonably accessible](#) to children in care, and must be arranged to promote and encourage independent access by children. **Weight #3**

(2) An early learning provider must display age and developmentally appropriate early learning materials. Materials must be ~~posted~~ [located](#) at enrolled children's eye level and related to current activities, ~~themes, or lessons plans or curriculum.~~  
**Weight #4** 2

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

- (a) Allow for appropriate supervision; and
- (b) Include an area for children, visible to staff, and accessible to children who seek or need time alone or small group time. **Weight #4**

(4) An early learning provider must have extra clothing available for children who wet, soil, or have a need to change clothes. ~~A provider may require parents to provide their own children's extra clothing.~~ **Weight #1**

(5) An early learning provider must provide individual ~~and separate~~ storage space for each child's belongings [while in attendance](#). At a minimum, the space must be:

- (a) Accessible to the child [in a developmentally appropriate way](#);
- (b) Large enough and spaced sufficiently apart from other storage space to:
  - (i) Store the child's personal articles and clothing; [and](#)
  - ~~(ii) Prevent contact with the belongings of other children;~~
  - ~~(iii) Prevent the spread of diseases or parasites; and~~
  - (iv) Promote or encourage children to organize their possessions.

**Weight #4** 3

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

~~(a) Be designed to allow for appropriate supervision so no obstructions to sight such as walls, tall shelving, or tall furniture are between the children in care and the staff supervising the children; **Weight #5**~~

~~(b) Allow children to move freely from one interest area to another (for example: blocks, puppets, language and literary materials, art materials, clay or play dough, music and movement, or dramatic play); and **Weight #5**~~

~~(c) Be designed to allow for different types of activities at the same time.  
**Weight #1**~~

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

(a) Be designed to allow for active and appropriate supervision ~~so no obstructions to sight, such as walls, tall shelving, or tall furniture, are between the children in care and the staff supervising the children;~~ **Weight #5**

(b) Allow children to move freely ~~from one interest area to another~~ and be designed to 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); ~~and **Weight #5.**~~

(c) ~~Be designed to allow for different types of activities at the same time.~~  
**Weight #4**

## 170-300-0145

### Outdoor early learning program space.

(1) An early learning provider must [visually](#) inspect outdoor play areas daily to ensure outdoor program space is safe and free of hazards. **Weight #6** [\(ADD 0146\(1\)\)](#)

(2) Outdoor play space must contain a minimum of 75 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.

**Weight #5**

~~(3) "Usable space" means the areas that are available at all times for use by children in an early learning program and meets licensing requirements. Weight NA~~  
[\[move to definitions\]](#)

~~(4)~~ (3) An early learning program must have shaded areas in outdoor play space provided by trees, buildings, or shade structures. [If there are no shaded areas in outdoor play space, outdoor play must be limited to 20 minutes in weather exceeding 90 degrees Fahrenheit.](#) **Weight #1**

~~(5)~~ (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 and pulling, kicking, and climbing. **Weight #1**

~~(6)~~ (5) When the licensed outdoor play space is not immediately adjacent to the early learning program site, an early learning provider must identify and use a safe route [and appropriate supervision and precautions](#) to and from the licensed outdoor play space. **Weight #6**

~~(7)~~(6) Licensed outdoor play areas must be enclosed with a fence or barrier that prevents 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. **Weight #7**

~~(8) Licensed outdoor play areas must be enclosed to prevent people without permission from entering. Weight #7~~

(8) Licensed outdoor play areas must be enclosed to **deter** people without permission from entering. **Weight #7**

~~(9) Fences, barriers, and gates must be in good condition and conform to applicable local building codes in height and construction or have a minimum height of 48 inches and not have a gap more than three and one-half inches from the ground. Weight #6~~

(9) 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 48 inches or conform to applicable local **building** codes in height. For a fence lower than 48 inches, the provider must submit a supervision plan to the department. ~~and construction, have a minimum height of 48 inches and not have a gap more than three and one-half inches from the ground.~~ **Weight #6**

~~(10) The opening between a fence post and gate or fence post and building must not be greater than three and one-half inches. Weight #6~~

(10) 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.** **Weight #6**

~~(11) 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 noted, 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. Weight #6~~

~~(11) 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 noted 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. Weight #6~~

(11) 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 ~~noted 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. **Weight #6**

[AL2]

~~(12) Gates allowing access to a licensed outdoor play area must be equipped with self-closing or self-latching mechanisms (shuts automatically when released from an individual's control) within six months of the date this section becomes effective. The latch or securing device must be high enough or of a type that children cannot open. Weight #6~~

(12) Within six months of the date this section becomes effective or prior to licensing, exiting mechanism on gates ~~that allowing access 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. ~~The latch or securing device must be high enough or of a type that children cannot open.~~ **Weight #6**

~~(13) Outdoor play areas must have two exits that must not be partially or entirely blocked. At least one exit must be located away from the early learning program, and one exit may be into the early learning program space. Weight #6~~

(13) Outdoor play areas must have two exits that must not be partially or entirely blocked, with at least one being remote from the building. ~~At least one exit must be located away from the early learning program space, and one exit may be into the early learning program space.~~ **Weight #5**

**170-300-0146**

**Equipment and surfaces in outdoor early learning space.**

~~(1) An early learning provider must visually inspect outdoor play equipment daily prior to use by children to:~~

~~(a) Ensure it is properly maintained and safe, and~~

~~(b) Ensure unsafe equipment is removed or made inaccessible to children.~~

~~Weight #6 -4 FHP~~<sup>[AL3]</sup>

~~(2) (1) Playground equipment and surfacing used by an early learning provider must comply with applicable CPSC's guidelines at time of installation including, for playground equipment as now or hereafter amended including, but not limited to<sup>[AL4]</sup>, 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 materials -G(grass alone is not an acceptable) such as: ground cover material under swings or other play equipment.~~

~~Weight #6~~

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

~~Weight #6~~<sup>[AL5]</sup>

~~(3) An early learning provider must comply with the standards in the CPSC's guidelines including, but not limited to installing, arranging, designing, constructing, and maintaining outdoor play equipment. Weight #6~~<sup>[AL6]</sup>

~~(4) (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. Weight #6~~

~~(5) Handmade playground equipment must be maintained for safety or removed when no longer safe. The department must review and approve Providers must submit construction plans and a list of materials to be used to construct handmade~~

~~playground equipment to the department before prior to construction begins new handmade playground equipment. Weight #6~~

~~**(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 materials list available on request. approve construction plans and a list of materials to be used to construct handmade playground equipment before construction begins. Weight #6 (Small Group)**~~<sup>[AL7]</sup>

~~(6) Bouncing equipment including, but not limited to, trampolines, rebounders and inflatable equipment must be inaccessible and not in early learning program space. This requirement does not apply to bounce balls designed to be used by children individually. Weight #7~~

~~**(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 children individually. Weight #7 (Small Group)**~~<sup>[AL8]</sup>

## 170-300-0147

### Weather conditions and outdoor requirements.

~~(1) An early learning provider must observe weather conditions and other possible hazards. The provider must not take or leave children outside if conditions exist that may pose a health or safety risk. Conditions that pose a health or safety risk include, but are not limited to the following:~~

- ~~(a) Heat in excess of 100 degrees Fahrenheit or less for children under five years old, or pursuant to advice of the local sources;~~
- ~~(b) Cold less than 20 degrees Fahrenheit, or pursuant to advice of the local sources;~~
- ~~(c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger to children in care;~~
- ~~(d) Earthquake;~~
- ~~(e) Air quality emergency ordered by a local or state authority on air quality or public health;~~
- ~~(f) Lockdown ordered by a public safety authority; and~~
- ~~(g) Other similar incidents. Weight #7~~

***(1) An early learning provider must observe weather conditions and other possible hazards and take appropriate action to ensure child health and safety. Conditions that pose a health or safety risk may include, but are not limited to the following:***

- (a) Heat in excess of 100 degrees Fahrenheit or pursuant to advice of the local sources;***
- (b) Cold less than 20 degrees Fahrenheit, or pursuant to advice of the local sources;***
- (c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger to children in care;***
- (d) Earthquake;***
- (e) Air quality emergency ordered by a local or state authority on air quality or public health;***
- (f) When notified of a lockdown ordered by a public safety authority; and***
- (g) Other similar incidents. Weight #7 (Small Group<sup>[AL9]</sup>)***

(2) An early learning provider must appropriately dress children for weather conditions during outdoor play time. **Weight #6.5**



## 170-300-0148

### Gardens in outdoor early learning program space.

(1) A garden in early learning program space must:

(a) Have safeguards in place to minimize risk of cross-contamination by animals; Weight #5

(b) Use soil free from agricultural or industrial contaminants such as lead or arsenic if gardening directly in the ground; **Weight #6**

~~(c) Use new soil that is labeled as organic and obtained from a gardening supply store or other retail store if gardening in raised beds; and Weight #5~~

*(c) If gardening in raised beds, use new soil that is labeled as organic and ~~or~~ safe for children and obtained from a gardening supply store or other retail store, or composted soil made from safe material following the [Washington State University's Extension Master Gardener composting guidelines](#). **Weight #5 (Small Group)***

(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. **Weight #5**

(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. **Weight #6**

(3) Any herbicide or pesticide must be applied pursuant to the product manufacturer's directions. The product must not be applied ~~during program hours~~ 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. **Weight #7**

(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. **Weight #6**

## 170-300-0150

### Program and activities.

~~(1) An early learning provider must provide children in care with early learning materials and equipment that are age and developmentally appropriate. For each age group of children in care, a provider must ensure a sufficient supply of materials and equipment that satisfy individual, developmental, and cultural needs. Early learning materials and equipment must be:~~

- ~~(a) Clean;~~
- ~~(b) Washable or disposable;~~
- ~~(c) Nonpoisonous and free of toxins;~~
- ~~(d) Large enough to prevent swallowing or choking;~~
- ~~(e) In good and safe working condition;~~
- ~~(f) Be child-size;~~
- ~~(g) Allow for a range of abilities of children in care;~~
- ~~(h) Accessible to children in care at child's height so they can independently find, use, and return materials;~~
- ~~(i) Accommodating to special needs of children in care; and~~
- ~~(j) Removed from the premises once a provider becomes aware an item has been recalled by CPSC. **Weight #6**~~

*(1) An early learning provider must provide children in care with early learning materials and equipment that are age and developmentally appropriate. For each age group of children in care, a provider must ensure a variety of materials that satisfy individual, developmental, and cultural needs. Early learning materials and equipment must be:*

- (a) Clean;*
- (b) Washable or disposable;*
- (g) Allow for a range of abilities of children in care;*
- (h) Available to children in care appropriate to a child's age and developmental level ;*

*Weight #3\_4*

*(c) Nonpoisonous and free of toxins. If an early learning provider is using prepackaged art materials, they 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 or hereafter amended.*

- (e) In good and safe working condition;*
- (i) Accommodating to special needs of children in care; and*

~~(j) Removed from the premises early learning program space once a provider becomes aware an item has been recalled by CPSC. Weight 6 (Small Group<sup>[AL10]</sup>)~~

~~(2) An early learning provider must only use prepackaged art materials that are labeled "non-toxic" and meet ASTM standard D-4236 as described in 16 C.F.R. 1500.14(b)(8)(i) as now or hereafter amended. This requirement does not apply to food items used as art materials, bulk paper, or items from the natural environment. Weight #5<sup>[AL11]</sup>~~

~~(3) An early learning provider must ensure a sufficient quantity and variety of early learning materials and equipment to engage children in the early learning program. The materials must include, but are not be limited to, arts and crafts materials, texture materials, construction materials, manipulative equipment and materials, music and sound materials, books, and social living equipment. Such materials and equipment must:~~

~~(a) Encourage both active physical play and quiet play activities.~~

~~(i) Active play materials and equipment include, but are not limited to, toy balls, bean bags, jump ropes, hula-hoops, riding toys, and developmentally appropriate climbing equipment.~~

~~(ii) Quiet play materials and equipment include, but are not limited to, puzzles, writing or drawing, musical instruments and dancing scarves.~~

~~(b) Promote imagination and creativity. For example, building blocks, sand, water, play dough, dramatic play areas, manipulatives, and art materials.~~

~~(c) Promote language development and literacy skills. For example, interactive storybook reading, writing materials, pattern blocks, alphabet games, rhymes and songs, felt boards, and puppets.~~

~~(d) Promote numeracy (counting and numbers) and spatial ability. For example, blocks, matching and sorting toys and cards, counting objects, nested cups, measuring and balance items, beads and bead patterns and calendar activities.~~

~~(e) Encourage discovery and exploration. For example, collections of natural objects such as leaves, rocks, and seashells, magnifying glasses and microscopes, magnets, sink and float objects, planting seeds, aquarium with small animals or fish, and class pets.~~

~~(f) Promote learning skills. For example, same and different activities, classifying and sorting toys, simple games to help understand rules and cooperation, blocks and accessories, and music. Weight #4~~

*(2) An early learning provider must ensure a sufficient quantity and variety of early learning materials and equipment to engage children in the early learning program. The materials may include, but are not be limited to, arts and crafts materials, texture materials, construction materials, manipulative equipment and materials, music and sound materials, books, and social living equipment. Such materials and equipment must:*

*(a) Encourage both active physical play and quiet play activities.*

*(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.*

*(f) Promote learning skills. Weight #4 (Small Group<sup>AL12</sup>)*

## 170-300-0155

### Use of television, video, and computers.

If an early learning provider offers screen time to children in care:

~~(1) The screen time available for each child must be educational, developmentally and age appropriate, non-violent, and culturally sensitive; Weight #5~~

*(1) The screen time available for each child must be educational, developmentally and age appropriate, non-violent, and culturally sensitive and should be interactive with staff. Weight #5 (Small Group)<sup>[AL13]</sup>*

~~\_(2) The screen time must be interactive. For example, staff must help children focus on the story on the screen and less on the sounds and movements. Staff must ask questions and direct children to point to pictures or talk about what is happening; Weight #4~~

~~(3) (2) Children must not be required to participate in screen time activities; Weight #4~~

*(2) Children must not be required to participate in screen time activities. Alternative activities must be provided to children in care when the television or computer is being used; Weight #4 (Small Group)<sup>[AL14]</sup>*

~~\_(4) Alternative activities must be provided to children in care when the television or computer is being used; Weight #1~~

~~(5) (3) Screen time must not occur during scheduled meals or snacks; Weight #4~~

~~(6) (4) Total screen time must not exceed one hour per day for each child over 24 months of age in full-day care (30 minutes per child in half-day care); Weight #4~~

*(4) Total screen time must not exceed 2.5 hours per week for each child over 24 months of age through preschool in full-day care (1.25 hours per child in half-day care) Weight # 4 (Small Group)<sup>[AL15]</sup>*

~~(7) For preschool children, computer use must be limited to 15 minutes per day for each child in full-day care (7 minutes per child in half-day care) unless computer use is a part of curriculum approved under this chapter; Weight #3~~

~~(8) (5) For school-age children, computer use must be limited to 30 minutes per day for each child unless computer use is required for homework or a part of curriculum approved under this chapter; and Weight #4~~

*(5) For school-age children, screen time must be limited 2.5 hours per week for each child unless computer use is required for homework or a part of curriculum. Weight #4 (Small Group)<sup>[AL16]</sup>*

No consensus on (6)

~~(9) (6) There must not be screen time for children under 24 months of age. Weight #4<sup>[AL17]</sup>~~

*[weight is to high 1 (Family Home Providers)]*