

Progress on Proposed Drafts

This document contains the resolution status of negotiated sections of WAC related to childcare and the proposed draft edits as of the NRM in January. The proposed draft language is the result of the monthly Negotiated Rulemaking Meetings where 5 stakeholder groups, including Family Home providers, Center-Based providers, HeadStart/ECEAP providers, DEL Licensors, and Parents, have discussed and recommended edits to the language and weights.

For the following topics, Intent and Authority, Child Outcomes, Family Engagement, Professional Development, Environment, Interactions and Curriculum, and Program Administration, there is a table outlining the resolution status of the negotiated sections, with proposed draft language following.

Resolution statuses are defined as:

1. *Negotiated by subgroup*: this section has been reviewed by a subgroup of the larger negotiation team. All five stakeholder groups were represented and the proposed drafts are ready to be present to the whole negotiation team, with all stakeholders present.
2. *Consensus Reached*: The larger negotiation team, with full team agreement from all 5 stakeholder groups, agree to the language and weights of the proposed drafts. Some participants may agree with reservations, and those concerns are documented for the department.
3. *Tabled*: The section or subsection is identified as needing additional negotiation by subgroup or revisions from the DEL writing team, and will be appropriately addressed at a later meeting.

Unless otherwise noted, draft language in a text box is proposed edits made by DEL staff. Draft language with a blue bar to the left indicates proposed draft language from Prep Teams to be discussed during TA/Resolution or going to Large Group Consensus.

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INTENT & AUTHORITY		
SECTION	TITLE	RESOLUTION
170-300-0001	Intent & Authority	Consensus reached
170-300-0010	License required	Consensus reached
170-300-0015	Licensee Absence	Consensus Reached
170-300-0016	Inactive status – voluntary & temporary closure	Consensus reached
170-300-0020	Unlicensed programs	Consensus reached
170-300-0025	Certified and exempt programs	Consensus reached
170-300-0030	Non-discrimination	Consensus Reached

170-300-0001 – Consensus Reached
Intent and authority.

(1) The Department of Early Learning was established under chapter 265, Laws of 2006. Chapter 43.215 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 43.215 RCW. **Weight NA**

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

(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 in young children;
- (c) Promoting strong school readiness; and
- (d) Recognizing parents and guardians as a child’s primary teacher and advocate. **Weight NA**

(4) Pursuant to this chapter, the department will periodically monitor early learning programs to determine compliance with health, safety, and these Foundational Quality Standards as well as to assess the quality of early learning programs. **Weight NA**

170-300-0010 -Consensus Reached
License required.

(1) An individual or entity that provides child care or early learning services for a group of children birth through twelve years of age must be licensed by the department, pursuant to RCW 43.215.250, unless exempt under RCW 43.215.010(2) and WAC 170-300-0025. **Weight NA**

(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. **Weight NA**

(3) A license is required when an individual provides child care or 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.
- (c) As used in this chapter, "not related" means not any of the relatives listed in RCW 43.215.010(2)(a). **Weight NA**

(4) At the request of the applicant, 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. **Weight NA**

170-300-0015 - Consensus Reached
Licensee absence.

(1) In a family home early learning program, the Family Home Licensee must have a written plan in place when the Licensee plans to be absent but the program, but shall remain open for the care of children. If a Family Home Licensee is gone more than 10 consecutive operating days, a written notification under this section must be submitted to the department and each child's parent or guardian at least two business days prior to the planned absence from the early learning program.

Weight #5

(2) In a center early learning program, the Director or Assistant Director must have a written plan in place when the Director, Assistant Director, and Program Supervisor plan to 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, a written notification is required under this section and must be submitted to the department and each child's parent or guardian at least two business days prior to the planned absence from the early learning program. **Weight #5**

(3) If a program staff member to provides direct care to children is taking planned medical leave that will result in absence from the early learning program for more than three business days, they must provide notification to the Department as defined in this section at least two days before the planned absence.

(a) Upon return to the program, the individual who was on leave must provide a medical release from their medical practitioner.

Weight #N/A

(4) A written notification must include the following information to the department:

- (a) Time period of the absence
- (b) Emergency contact information for the absent early learning provider(s);
- (c) A written plan, which must be provided to the department, 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 individual children's specialized needs will be met;
 - (v) Responsibility for meeting licensing requirements; and
 - (vi) How parents will be informed of the absence and the plan to meet their child's needs. **Weight #N/A**

(5) If a Facility Licensing Compliance Agreement (FLCA) is developed as a result of early learning program staff failing to follow licensing regulations during an absence described in this section, an early learning program must:

- (a) Retrain early learning program staff on the Foundational Quality Standards documented on the FLCA; and
- (b) Document that the retraining occurred. **Weight NA**

170-300-0016 – Consensus Reached
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 30 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) A reason why the licensee is notifying an inactive status; and
 - (c) A projected date the early learning program will reopen. **Weight #1**
- (2) The requirements of this section do not apply to licensed early learning programs that have temporary closures beyond 30 calendar days as part of their regular schedule, such as programs based on the school year or seasonal occupation. **Weight NA**
- (3) A licensee may not request inactive status during their first initial licensing period (six months) unless for an emergency approved by DEL. **Weight #N/A**
- (4) An early learning provider must inform parents the licensee plans to temporarily close their program. **Weight #1**
- (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. **Weight #1**
- (6) Background check rules in chapter 170-06 WAC, including allegations of child abuse or neglect, will remain in effect during inactive status. **Weight NA**
- (7) After receiving a notification of more than 30 days of closure or inactive request form, the department will:
 - (a) Place the license on inactive status;
 - (b) Close the SSPS provider number;
 - (c) Inform the licensee that the license is inactive; and
 - (d) Notify the following programs of the voluntary inactive status:
 - (i) Working Connections Child Care subsidy program;
 - (ii) USDA Child and Adult Care Food Program (CACFP); and
 - (iii) Early Achievers, ECEAP, Head Start, and Child Care Aware of Washington. **Weight NA**
- (8) A licensee is still responsible for maintaining annual compliance requirements during inactive status pursuant to RCW 43.215.260. **Weight #1**
- (9) If inactive status exceeds six months within a twelve-month period, the department must close the license for failing to comply with RCW 43.215.260(2). The licensee must reapply for licensing pursuant to RCW 43.215.260(3). **Weight NA**

(10) If the department attempts three monitoring visits within a three-month span prior to the monitoring due date, but the early learning provider has not been available to permit the visits, the department must attempt to contact the provider by phone while on premises during the third attempt and then may pursue enforcement actions. **Weight NA**

(11) When a licensee is ready to reopen their program after a temporary closure of 30 days, they must provide to the department written notification of intent to reopen. The department shall conduct a health and safety check of the early learning program within 10 business days of the written notification to reopen. If the early learning program is in compliance with the department's rules and regulations, the department will:

- (a) Activate the license;
- (b) Reactivate the SSPS provider number; and
- (c) Notify the Working Connections Child Care subsidy program, CACFP, Early Achievers, ECEAP, Head Start Grantee, and Child Care Aware of Washington the license was reactivated. **Weight NA**

**170-300-0020 – Consensus Reached
Unlicensed programs.**

(1) If the department suspects that an individual or agency is providing unlicensed child care, the department must follow the requirements of RCW 43.215.335.

Weight NA

(2) If an individual wishes to obtain a license, within 30 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 that he or she agrees to:

- (a) Attend and participate in the next available child care licensing orientation put on by the department; and
- (b) Submit a child care licensing application after completing orientation.

Weight #NA

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

- (a) How to respond to the department;
- (b) How to apply for a license;
- (c) How a fine, if issued, may be suspended or withdrawn if the individual applies for a license;
- (d) That the individual has a right to request an adjudicative proceeding (hearing) if a fine is assessed; and
- (e) How to ask for a hearing, under chapter 34.05 RCW (Administrative Procedure Act), chapter 43.215 RCW, and chapter 170-03 WAC (DEL hearing rules).
- (f) Must stop providing care pursuant to RCW 43.215.335

Weight NA

(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 30 calendar days from the date of the department's written notice, the department will post information on its web site that the individual is providing child care without a license. **Weight NA**

(5) A person providing unlicensed child care:

- (a) Shall be guilty of a misdemeanor pursuant to RCW 43.215.340
- (b) May be subject to an injunction pursuant to RCW 43.215.330. **Weight NA**

**170-300-0025 -Consensus Reached
Certified and exempt programs.**

(1) The department must not license an early learning program that is legally exempt from licensing per RCW 43.215.010(2). However, if an applicant requests it, the department will follow all licensing regulations to certify an otherwise exempt early learning program as meeting licensing and other pertinent requirements. In such a case, all licensing requirements and procedures apply equally to certification.

Weight NA

(2) The department may certify an early learning 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. § 1602(c), recognized as eligible for services by the United States Secretary of the Interior;
- (b) Certified by the Federal Department of Defense.
- (c) Approved by the Office of Superintendent of Public Instruction (OSPI).

Weight NA

(3) An applicant claiming an exemption must provide to the department proof that he or she qualifies for an exemption using the department's form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>). **Weight NA**

(4) The early learning program seeking certification must be located on the premises over which the tribe, federal Department of Defense or OSPI has jurisdiction. **Weight NA**

(5) An early learning 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. **Weight NA**

(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. **Weight NA**

170-300-0030- Consensus Reached

Non-discrimination.

(1) Early learning programs are defined by state and federal law as places of public accommodation that must:

- (a) Not discriminate in employment practices or client services based on race, creed, ethnicity, national origin, marital status, gender, sexual orientation, class, age, religion, or ability; and
- (b) Comply with the requirements of the Washington Law Against Discrimination (chapter 49.60 RCW) and the ADA.
- (c) An early learning program must have and follow a written non-discrimination policy addressing at least the factors listed in this section

Weight #5

PROFESSIONAL DEVELOPMENT, TRAINING AND REQUIREMENTS		
SECTION	TITLE	RESOLUTION
170-300-0100	General staff qualifications	Consensus reached on: 1, 2, 3, 4, 5, 7 Weights for 1 (c) (iii-v) tabled Weights for 3, 4, 5 to mirror 1 In queue for consensus: 6, 8, 9
170-300-0105	Pre-service requirements	Consensus reached
170-300-0106	Training requirements	Consensus reached
170-300-0107	In-service training	In queue for consensus with new language from DEL Tech
170-300-0108	Program-based new staff orientation	DEL Tech Team proposes new Section 0110 (combining 0108 and 0110)
170-300-0110	Staff policies	Consensus reached DEL Tech Team proposes new Section 0110 (combining 0108 and 0110)
170-300-0110	Program Based Staff Policies and Training	*NEW section proposed by DEL Tech Writers (Combination of 0108 and 0110)
170-300-0111	Supervision of staff	Negotiated by subgroup and in queue for consensus
170-300-0115	Staff records	Consensus reached
170-300-0120	Providing for personal, professional, and health needs of staff	Negotiated by subgroup and in queue for consensus

170-300-0100- Consensus reached on 1-5, 7; 6, 8, 9 In queue for consensus; Weights for Subsection 1 (c) (iii-v) tabled; Weights in subsections 3, 4, 5 to mirror Subsection 1 General staff qualifications.

All early learning providers must meet the following requirements prior to working:

*Weight for (1) (c) (iii-iv) tabled

(1) **Family Home Early Learning Program Licensees** (or “Family Home Licensees”) work from their family home to provide early learning programming to a group of no more than 12 children present in the program at one time. **Weight NA**

(a) A Family Home Licensee must meet the following qualifications upon application:

- (i) Be at least 18 years old;
- (ii) Have a high school diploma or equivalent; **Weight NA**
- (iii) Complete the applicable pre-service requirements pursuant to WAC 170-300-0105 **Weight NA**

(b) Family Home Licensees must meet the following requirements:

(i) Family Home Licensees must 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.

(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 from licensure. Five years from the date this rule takes effect, the Licensee must complete an ECE short Certificate or equivalent within three years.

(iii) Family Home Licensees must have their continued professional development progress documented annually.

Weight #4

(c) Family Home Licensees must:

(i) Be on site for the daily operation of the early learning program 50 percent or more of weekly operating hours or designate a person with the qualifications of Licensee to be on site when not present.; **Weight #4**

(ii) Comply with Foundational Quality Standards; **Weight #NA**

(iii) Develop a curriculum philosophy and communicate the philosophy to all early learning program staff and parents. Train staff to ensure the curriculum philosophy serves all ages of children in the early learning program; **Weight #1 [or NA if weighted elsewhere]**

(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 (N/A if weighted elsewhere)
Weight #1 [or NA if weighted elsewhere]
(v) Oversee early learning program staff and provide support to staff for creating and maintaining staff records in the electronic workforce registry. **Weight #1 [or NA if weighted elsewhere]**

(2) **Center Early Learning Program Licensees** (or “Center Licensees”) must meet the requirements of a Center Director, listed in WAC 170-300-0100(3), 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. **Weight #1**

***Weights to be updated to mirror Subsection 1**

(3) Center Directors or Assistant Directors manage the early learning program and set appropriate program and staff expectations.

(a) The Center Director must meet the following qualifications:

- (i) Be at least 18 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) Center Directors 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) Center Directors hired or promoted after this chapter becomes effective must have an ECE State Certificate or equivalent at the time of hire.

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

(iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.

(v) If the Center Director does not meet the minimum requirements, the center must have an Assistant Director or Program Supervisor who does meet the minimum qualifications and will fulfill the requirements of a Center Director.

(vi) Center Directors must have their continued professional development progress documented annually.

(b) The Assistant Director must meet the following qualifications:

- (i) Be at least 18 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) Assistant Directors 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) Assistant Directors hired or promoted after this chapter becomes effective must have an ECE State Certificate or equivalent at the time of hire.
 - (iii) Have two years of experience as a school administrator or as a teacher of children in any age group(s) enrolled in the early learning program or a DEL approved plan;
 - (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.
 - (v) Assistant Directors must have their continued professional development progress documented annually.
- (c) The 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 50 percent or more of weekly operating hours up to 40 hours per week, or designate a person with the qualifications of an Assistant Director or Program Supervisor or equivalent. Occasionally, a Director may act as a substitute teacher as long as it is not a regular duty which may interfere with management or supervisory responsibilities.
 - (ii) Comply with Foundational Quality Standards;
 - (iii) Ensure there is a curriculum philosophy and the philosophy has been communicated to all early learning program staff and parents. Ensure the curriculum philosophy serves all ages of children in the early learning program or designate a Program Supervisor with this responsibility; **Weight#1**
 - (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 **(N/A if weighted elsewhere)**
 - (v) Oversee early learning program staff professional development plans such as:
 - (A) Providing support to staff for creating and maintaining staff records in the electronic workforce registry;
 - (B) Setting educational goals with staff and locating or coordinating state-approved training opportunities for staff; and
 - (C) Observing and mentoring staff.**Weight #Will mirror (1)**

***Weights to be updated to mirror Subsection 1**

- (4) **Center Program Supervisors** oversee planning in the early learning program under the supervision of a Center Director or Assistant Director.
 - (a) Program Supervisors must meet the following qualifications:
 - (i) Be at least 18 years old;
 - (ii) If the Director or Assistant Director has an ECE State Certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows, the program supervisor must complete an ECE State Certificate or equivalent within five years of the date this section becomes effective or from the date of hire/promotion, whichever is later.

- (iii) Have at least two years of experience as a teacher of children in any age group enrolled in an early learning program; and
 - (iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.
 - (v) Program supervisors must have their continued professional development progress documented annually.
- (b) Program Supervisors perform the following duties:
- (i) Guide the planning of curriculum philosophy, implementation, and environmental design of the early learning program; **Weight #1**
 - (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;
 - (iv) Manage the professional development plans and requirements for staff as needed; and **Weight #3**
 - (v) One person may be the Center Director, Assistant Director, and the Program Supervisor when qualified for all positions, provided that all requirements of WAC 170-300-0100(3)(a) and (b) are met. **Weight NA- Weights will mirror 1- unless otherwise noted**

***Weights to be updated to mirror Subsection 1**

(5) **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 children's needs.

- (a) All Lead Teachers must meet the following qualifications as approved and verified in the electronic workforce registry by the department:
- (i) Be at least 18 years old;
 - (ii) Have a high school diploma or equivalent; and
 - (iii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.
- (c) Center Lead Teachers must meet the following requirements:
- (i) Center Lead Teachers must 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) Center Lead Teachers must progress towards an ECE Short Certificate or equivalent as approved and verified in the electronic workforce registry by the department. Center Lead Teachers hired after this chapter becomes effective must have an ECE Short Certificate after two years (seven years total) of receiving an ECE Initial Certificate or seven years from being employed or promoted into this position at any licensed early learning program.
 - (iii) Center Lead teachers must have their professional development progress documented annually.
- (d) Family Home Lead Teachers must meet the following requirements:
- (i) Family Home Lead Teachers must 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) Family Home Lead teachers must have their professional development progress documented annually.

(iii) Prior to being in charge of their early learning program 50 percent or more of the time, Family Home Lead Teachers meet the qualifications of the licensee and complete or be registered in orientation training pursuant to 170-300-0105(1)

(iv) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108.

Weight #3 [mirror weights of (1)]

*Negotiated in June NRM; Consensus reached in June NRM; Reviewed by December Prep Team with additional proposed language; TA/Resolution in January; 1.6.18 TA/Resolution: consensus not found, want to discuss with big group on 1.7.18

(6) **Assistant Teachers** work to assist a Lead Teacher or licensee in center or family home early learning programs. Assistant teachers assist Lead Teachers or Family Home Licensees to provide instructional support to children and implement developmentally appropriate programs.

(a) Assistant teachers must meet the following qualifications:

(i) Be at least 18 years old;

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

(iii) Assistant teachers must 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;

(v) Assistant teachers must have their professional development progress documented annually.

(vi) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108; and

(vii) 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. The Lead Teacher must be present 50% or more of the classroom's operation hours on a weekly average.

(A) If an Assistant Teacher is acting in a Lead Teacher's role for more than 50% of a classroom's time of operation on an ongoing weekly basis, they must meet the same qualifications as a Lead Teacher.

Weight #3

(7) **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 as verified and approved by the department.

(a) Be at least 14 years old;

- (b) Have a high school diploma or equivalent or be currently enrolled in high school or equivalent education program;
- (c) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0105, 0106, and 0108;
- (d) Aides may be counted in the staff-to-child-ratio under the continuous supervision of a Lead Teacher, Program Supervisor, Center Director, Assistant Director, Assistant Teacher, or Family Home Licensee; And
 - (i) Aides working 19 hours per month or less can count towards ratio with pre-service training pursuant to WAC 170-300-0105 and without in-service training requirements pursuant to WAC 170-300-0107(1)(a).
 - (ii) Aides who work 20 hours or more per month with a cumulative 12 months of employment requires in-service training pursuant to WAC 170-300-0107(1)(a).

Weight #3

“Volunteer” means any person who provides labor or services to an early learning provider without compensation, financial reward, or other consideration. A volunteer must never have unsupervised access to a child unless the volunteer is the parent or guardian of that child, or an individual whom the parent has given specific, written authorization. “Unsupervised access” as used here has the same meaning as in WAC 170-06-0020.

**Negotiated in June NRM and Tabled; Negotiated by Small Group in September NRM where weights proposed tabled; Reviewed by December Prep Team; Scheduled for TA/Resolution in January; Below is draft as of January NRM Large Group Consensus taking discussion*

- (8) **Volunteers** provide classroom organizational supports to an early learning program.
- (a) Volunteers under the age of 18 years old must have written parent or guardian permission. Volunteers must be at least 14 years old.
 - (b) Regular, on-going Volunteers whose activities involve the care and supervision of children must:
 - (i) Have a background check, pursuant to chapter 170-06 WAC; and
 - (ii) Complete the applicable pre-service requirements and training pursuant to WAC 170-300-0106 and -0108;
 - (c) Regular, on-going Volunteers whose activities involve the care and supervision of children must:
 - (c) Volunteers that do not meet the requirements of subsection (8)(b) of this section must only work under the continuous supervision of a Lead Teacher, Program Supervisor, Center Director, Assistant Director, Assistant Teacher, or Family Home Licensee.
 - (d) Volunteers 17 years old and younger must never count in staff-to-child ratio and must never be left alone with children, even if they meet the requirements of subsection (8)(b) of this section.

- (i) If a volunteer is a member of the Family Child Care household and between 14 and 17 years old, they may count in the staff-to-child ratio if they meet the requirements of subsection (8)(b) of this section.
 - (ii) Volunteers 13 years of age may not count in staff-to-child ratio.
- Weight #3**

***Proposed language from December Prep Team; TA/Resolution in January**

(9) Substitutes are teachers who temporarily lead a classroom due to scheduled or unscheduled absence of the lead teacher or assistant teacher. A substitute is not in charge of creating lesson plans.

(a) Substitutes must meet the following qualifications:

- (i) Are 18 years old or older;
- (ii) Are registered in MERIT (visit www.MERIT.del.wa.gov to get started).

(b) Substitutes can be counted in ratio, alone with children, and in indirect supervision of Director, Assistant Director, or Program Supervisor with completion of the following as shown in their MERIT record:

- (i) Initial Training Requirement (Child Care Basics) within 90 days of hire
- (ii) DEL Portable Background Check clearance
- (iii) Child Abuse and Neglect and Mandated Reporter training
- (iv) Pediatric First Aid and CPR certification
- (v) Blood Borne Pathogens training
- (vi) Tuberculosis test results
- (vii) Safe Sleep training (if working with infants)
- (viii) Food Handlers permit

General Staff Qualifications - WAC 170-300-0100				
Role	Age	Years of Experience	Minimum Hiring Requirement	Education in Proposed WAC
Family Home Owner	18	None	High School Diploma	Initial Cert (12 credits)
Family Home Lead Teacher	18	None	High School Diploma	Initial Cert (12 credits)
Family Home Assistant Teacher	18	None	High School Diploma	Initial Cert (12 credits)
Family Home Aide	14	None	High School Diploma OR Enrolled	High School Diploma OR Enrolled
Family Home Volunteer	14	None	None Required	None
Center Director	18	2	Initial Certificate	State Cert (47 credits)
Center Program Supervisor	18	2	Initial Certificate	State Cert (47 credits)
Center Lead Teacher	18	None	High School Diploma	Short Cert (20 credits)
Center Assistant Teacher	18	None	High School Diploma	Initial Cert (12 credits)
Center Aide	14	None	High School Diploma OR Enrolled	High School Diploma OR Enrolled
Center Volunteer	14	None	None Required	None

Draft Equivalency Table [Send to TA Resolution](#)

Position	Certificate Qualifications	Equivalents
Center Director	ECE State Certificate	<p>Any AA or AAS degree (or higher), or MACTE Accredited Montessori certificate</p> <p>If AA or AAS degree (or higher) is not an education related degree, then they must also have 3 years of classroom experience or 3 years management experience</p> <p>If Center Director does not meet minimum qualifications to be a Center Director, the center's Assistant Director or Program Supervisor must meet those requirements.</p>
Center Assistant Director	ECE State Certificate	<p>Any AA or AAS degree (or higher), or CDA, or MACTE Accredited Montessori certificate, or 2 years of classroom experience or 2 years of management experience</p>
Center Program Supervisor	ECE State Certificate	<p>AA or AAS degree (or higher), or CDA, or MACTE Accredited Montessori certificate, or 1 year of classroom experience or 1 year of management experience</p>
Center Lead Teacher	ECE Initial Certificate	<p>High school diploma or equivalent or work experience, or Complete 30 hours of Child Care Basics within 6 months of becoming lead teacher</p>
Center Assistant Teacher	ECE Initial Certificate	<p>High school diploma or equivalent or work experience, or Complete 30 hours of Child Care Basics within 1 year of becoming assistant teacher</p>

170-300-0105- Consensus Reached
Pre-service requirements.

(1) All Applicants, Co-Applicants, 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 50 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. **Weight #1**

(2) Early learning providers and household members in a family home early learning program ages 14 and older must complete a department background check process, pursuant to chapter 170-06 WAC. **Weight #7**

(3) Early learning providers, including volunteers, and household members in a family home early learning program ages 14 and over, must provide documentation signed 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; or
- (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. **Weight #6**

***Consensus reached in June; December Prep team agreement on Intent; Sent to DEL Tech Writers for clarity on language and weight**

(4) Upon notification of TB exposure, early learning providers may be required to be retested for TB as directed by the local health jurisdiction. **Weight #7-Weight NA**

Role		Pre-Service Requirements - WAC 170-300-0106															
Role	DEL Orientation	New Staff Program Orientation	PBC	TB	Child Care Basics	Recognizing and Reporting Child Abuse, Neglect and Exploitation	Emergency Preparedness	Shaken Baby/Abusive Head Trauma	Children Experiencing Homelessness	Safe Sleep	Medication Management	(BBP) Prevention of Exposure to Blood and Body Fluids	CPR/First Aid	Food Handlers			
Renewal Required?	No	No	NA	NA	No	No	No	No	No	Annually	Annually	No	Yes Prior to Expiration	Yes Prior to Expiration			
Federal Requirement? (CCDF)			Yes	Yes	Yes: Includes CCDF H&S	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
Family Home Early Learning Provider	Family Home Owner	Yes	Before working with children	Yes	Before Licensed	Completed within 3 months of start date	Completed within 3 months of start date	Before licensed	Completed within 3 months of start date	Before working with Infants or toddlers	Before licensed	Prior to giving medication to a child	Before licensed	Before licensed			
	Family Home Lead Teacher				Before working unsupervised, within 3 months of start date			Before working with Infants or toddlers			Before working with Infants or toddlers.		Before working with children				
	Family Home Assistant Teacher	If in charge 50% or more of the time			Yes for Regular Volunteers ; No if always supervised			Completed within 3 months of start date			Completed within 3 months of start date		Before working with Infants or toddlers.		Before working with children	Before working alone with children	Before serving food
	Family Home Aide	No															
	Family Home Volunteer																
Center Early Learning Provider	Center Director	Yes	Before working with children	Yes	Before Licensed	Completed within 3 months of start date	Completed within 3 months of start date	Before licensed	Completed within 3 months of start date	Before licensed for infants or toddlers	Prior to giving medication to a child	Before licensed	Before working alone with children	Before serving food			
	Center Program Supervisor				Before working unsupervised, within 3 months of start date			Before working with Infants or toddlers		Before working with Infants or toddlers		Before working with children					
	Center Lead Teacher	No															
	Center Assistant Teacher																

	Center Aide														
	Center Volunteer			Yes, for Regular Volunteers ; No if always supervised											

WAC 170-300-0106- Consensus reached
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. Early learning providers hired after the date this section becomes effective must complete the training requirements of subsections (5) through (11) of this section within three months of the date of hire and prior to working in an unsupervised capacity with children.

Weight #1

(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. **Weight #1**

(3) License applicants and early learning providers must record and update completed trainings and other applicable requirements of this chapter in the electronic workforce registry. **Weight #1**

(4) License applicants, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers, Assistant Teachers, and Aides must complete the department Child Care Basics training as approved or offered by DEL:

- (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. **Weight #5**

(5) Early learning providers must complete the department Recognizing and Reporting Suspected Child Abuse, Neglect, and Exploitation training as approved or offered by DEL 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. **Weight #7**

(6) Early learning providers must complete the department Emergency Preparedness training as approved or offered by DEL (applicable to the early learning program where they work or volunteer) according to subsection (1) of this section. **Weight #5**

(7) Early learning providers licensed to care for infants must complete the department Prevention and Identifying Shaken Baby Syndrome/Abuse Head Trauma training or as approved or offered by DEL according to subsection (1) of this section. **Weight #6**

(8) Early learning providers must complete the department Serving Children Experiencing Homelessness training as approved or offered by DEL according to subsection (1) of this section. **Weight #5**

(9) License applicants and early learning providers licensed to care for infants or toddlers must complete the department Safe Sleep training as approved or offered by DEL. This training must be completed annually and:

- (a) Prior to being licensed;
- (b) Prior to working with children; or
- (c) According to subsection (1) of this section. **Weight #7**

(10) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers must complete the Child Restraint training as approved or offered by DEL prior to being authorized by the early learning program where they work to restrain an enrolled child, or as indicated in subsection (1) of this section. **Weight #6**

(11) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers must complete the department Medication Management and Administration training as approved or offered by DEL prior to giving medication to an enrolled child, or as indicated in subsection (1) of this section. **Weight #6**

(12) Early learning providers who directly care for children must complete a Prevention of Exposure to Blood and Body Fluids training that meets Washington State Department of Labor & Industries' requirements prior to being granted a license or working with children. This training must be repeated pursuant to Washington State Department Labor and Industries regulations (found at: <http://www.lni.wa.gov/Safety/TrainingPrevention/?F=M>). **Weight #6**

(13) Early learning providers must have a current first-aid and cardiopulmonary resuscitation (CPR) certification prior to being alone with children. Early learning providers must ensure that at least one staff person with a current first aid and CPR certificate is present with each group of children at all times.

- (a) Proof of certification may be a 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; and
 - (ii) Include infant, child, and adult CPR.

Weight #7

(14) 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 online at www.foodworkercard.wa.gov or through the local health jurisdiction; and

(b) Be renewed prior to expiring.
Weight #4

**170-300-0107- In queue for consensus with new language from DEL Tech writers
In-service training.**

**DEL Tech Writers proposed draft as of January 7, 2018*

- (1) Providers must complete ten (10) hours of in-service training after 12 months of cumulative employment.
 - (a) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers, Assistant Teachers must complete the department Enhancing Quality of Early Learning (EQEL) in-service training must be completed within 36 months of being hired in a licensed facility, unless the provider has completed an alternate training or coursework reviewed and approved by the department. EQEL hours count towards the 10 hours of in-service training required each year. **Weight #4**
 - (b) Every three years, following the completion of EQEL Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers and Assistant Teachers must complete a minimum of ten hours of in-service training on Child Development and a minimum of ten hours of in-service training on Leadership Practices.
- (2) In-Service may be met by completing credit bearing early childhood education delivered by an institution of post-secondary education as approved by the department.
- (3) No more than 5 hours may be carried over to the following fiscal year; you cannot exceed a 12-month period without training. **Weight #4**

**Draft language from January NRM below*

(1) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors, Lead Teachers, Assistant Teachers, and Aides that are counted in ratio must complete in-service training requirements of this section. After 12 months of cumulative employment, in-service training begins unless indicated otherwise.

Weight #NA

(a) The department Enhancing Quality of Early Learning (EQEL) training or an alternate training reviewed and approved by the department must be completed within 24 months after completing Child Care Basics pursuant to WAC 170-300-0106. During the time, the EQEL is being completed, EQEL hours count towards the 10 hours of in-service training required each year.

Weight #4

(b) In-service training (10 hours total) must be completed every state fiscal year (July 1-June 30) after an early learning provider completes the EQEL training required in subsection (9) of this section. e. In-service training:

(i) Must include one or more of Washington State's Core Competencies for Early Care and Education;

- (ii) May be met by completing credit bearing early childhood education delivered by an institution of post-secondary education as approved by the department; and
- (iii) 10 hours of in- service must be completed every 12 months, if more than 10 hours are completed, no more than 5 hours may be carried over to the following year; you cannot exceed a 12-month period without training. **Weight #4**

(2) Family Home Licensees, Center Directors, Assistant Directors and Program Supervisors must complete at least three of the 10 hours total in Core Competency Professional Development and Leadership each year. **Weight #1**

(3) Family Home Licensees, Center Directors, Assistant Directors, and Program Supervisors must complete the Strengthening Families Program Self-Assessment or an equivalent assessment as approved by the department (applicable to the early learning program where they work) within twelve months of the date this section becomes effective if already employed or twelve months of being licensed. **Weight #1**

(4) Family Home Licensees, Center Directors, Assistant Directors, Program Supervisors and Lead Teachers must complete the renewal trainings that include Business and Leadership Practices training and Child Development training. This training must be completed on a three-year rotating cycle that begins the date you complete the first training, but no later than 12 months after completing the enhancing quality training series. The renewal trainings are completed on a three-year cycle and count towards the in-service requirement of 10 hours per year.

Year 1: Business and Leadership

Year 2: Child Development

Year 3: Elective Year to select from the Washington State Early Care and Education Core Competencies.

Weight #1

		In-service Requirements WAC 170-300-0107			
	Role	Enhancing Quality of Early Learning	10 hours in-service	Leadership and Business Practice	Child Development
	Renewal Required?	No	Annually	Yes 3 Years	Yes 3 Years
	Federal Requirement? (CCDF)	Some Content	Yes	Yes	Yes
Family Home Early Learning Provider	Family Home Owner	Completed within 24 months of start date in licensed care, counts as in-service	Completed annually	Completed every 3 years	Completed every 3 years
	Family Home Lead Teacher				
	Family Home Assistant Teacher				
	Family Home Aide				
	Family Home Volunteer				
Center Early Learning Provider	Center Director	Completed within 24 months of start date in licensed care, counts as in-service	Completed annually	Completed every 3 years	Completed every 3 years
	Center Program Supervisor				
	Center Lead Teacher				
	Center Assistant Teacher				
	Center Aide				
	Center Volunteer				

170-300-0108- Subgroup negotiated and sent to DEL Tech; DEL Tech proposed combining with Section 0110. See new draft in Section 0110 Program-based new staff training.

(1) An early learning provider must develop and deliver an early learning staff training specific to the early learning program and premises. Training topics must include those listed in subsection (2) of this section. Providers must be trained prior to working with children and as state or federal regulations and program policies change. **Weight #5**

(2) Training topics must include, but are not limited to:
(a) Staff policies listed in WAC 170-300-0110; and
(b) Chapter 43.215 RCW (Department of Early Learning), Chapters 170-300 (Foundational Quality Standards for Early Learning Programs) and 170-06 (Background Checks) WAC;
An early learning provider must document the delivery of an early learning staff training ...[move from (1)]

Weight #NA

**170-300-0110 – Consensus Reached; to be reviewed with Section 0108;
DEL Tech writers proposed new Section 0110 draft.
Staff policies.**

(1) An early learning provider must have and follow written policies for early learning program staff. Staff policies must include those listed in subsection (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. **Weight #1**

(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) Keeping staff records current in the electronic workforce registry;
- (c) Job descriptions, compensation schedule, and benefits;
- (d) Professional development expectations and plans;
- (e) Expectations for attendance and conduct;
- (f) 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;
 - (ix) Transporting children;
 - (x) Health, safety and sanitization procedures;
 - (xi) Medication management procedures;
 - (xii) Medical emergencies, fire, disaster and evacuation plans;
 - (xiii) Mandatory reporting of suspected child abuse, neglect, and exploitation, per RCW 26.44.020 and RCW 26.44.030;
 - (xiv) Implementation of child's individual health care or special needs plan;
 - (xv) Following non-smoking, vaping, alcohol and drug regulations;
 - (xvi) Overnight care, if applicable;
 - (xvii) Religious and cultural diversity including all children and families; and
 - (xviii) Non-discrimination.
- (g) Staff responsibilities if the Family Home Licensee, Center Director, Assistant Director, or Program Supervisor is absent from the early learning program.
- (h) A plan that includes how both administrative and child caretaking duties are met when a job requires such dual responsibilities.
- (i) Observation, evaluation, and feedback policies.

Weight NA

(3) An early learning provider must have and follow written policies requiring staff working 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;
- (e) Information to be shared with the family; and
- (f) A plan for transitioning staff or covering breaks.

Weight #5

***Proposed 170-300-0110 (combination of 0108 and 0110)- In queue for consensus**
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 subsection (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 **Weight #1**

- (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) Keeping staff records current in the electronic workforce registry;
 - (c) Job descriptions, compensation schedule, and benefits;
 - (d) Professional development expectations and plans;
 - (e) Expectations for attendance and conduct;
 - (f) 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;
 - (ix) Transporting children;
 - (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 RCW 26.44.030 and all other reporting requirements;
 - (xiv) Implementation of child's individual health care or special needs plan;
 - (xv) Following non-smoking, vaping, alcohol and drug regulations;
 - (xvi) Overnight care, if applicable;
 - (xvii) Religious, equity and cultural responsiveness
 - (xviii) Non-discrimination
 - (xvix) Planned daily activities and routines.
 - (g) Staff responsibilities if the Family Home Licensee, Center Director, Assistant Director, or Program Supervisor is absent from the early learning program.
 - (h) A plan that includes how both administrative and child caretaking duties are met when a job requires such dual responsibilities.
 - (i) Observation, evaluation, and feedback policies, pursuant to WAC 170-300-0461. **Weight NA**

- (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. **Weight #5**
- (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 those listed in subsection (5) of this section. Providers must be trained prior to working with children.
 - (b) Training must be updated with changes in program policies and state or federal regulations. **Weight #5**
- (5) Training topics must include, but are not limited to:
- (a) Staff policies and retrained as policies are updated or changed listed in (2) and (3) this section; and
 - (b) Chapter 43.215 RCW (Department of Early Learning), Chapters 170-300 (Foundational Quality Standards for Early Learning Programs) and 170-06 (Background Checks) WAC;
 - (c) Curriculum philosophy;
 - (d) Child active supervision;
 - (e) Planned daily activities and routines;
 - (f) Developmental screening, when applicable;
 - (g) Positive behavior management;
 - (h) Child abuse and neglect prevention, detection, and reporting policies and procedures;
 - (i) Health and safety policies and procedures;
 - (j) Contagious disease recognition and prevention;
 - (k) Prevention of exposure to blood and body fluids;
 - (l) Emergency preparedness procedures;
 - (m) Special health and developmental needs of the individual child;
 - (n) Safe sleep practices when licensed to care for infants or toddlers;
 - (o) Personnel policies, when applicable;
 - (p) Equity and cultural responsiveness;
 - (q) Non-discrimination policies; and
 - (r) Age and developmentally appropriate practices.
- Weight #5**

**170-300-0111- Subgroup negotiated and in queue for consensus
Supervision of staff.**

*Negotiated by small group in September NRM; Reviewed by December Prep Team; in queue for consensus in January; DEL Tech writers proposed revised language for clarity

- (1) When an early learning provider oversees staff, he or she must:
- (a) Establish a work plan with clear expectations for early learning program staff;
 - (b) Be reasonably aware of what staff are doing; and
 - (c) Be available and able to respond in an emergency situation or if the need arises to protect the health and safety of children in care.
- Weight #6

- (1) When an early learning provider oversees staff, he or she must:
- (a) Set clear expectations and work plan to be reasonably aware of what staff are doing;
 - (b) Be dependably available and able to respond in an emergency situation or if the need arises to protect the health and safety of children in care.
- Weight #6

*Negotiated by small group in September NRM; Reviewed by December Prep Team; in queue for consensus in January; DEL Tech Writers recommend striking this subsection

~~(2) Aides, and Volunteers are individuals who help in an early learning program but are supervised by the Family Home Licensee, Center Director, Assistant Director, Program Supervisor, Lead Teacher or Assistant Teacher at all times. The early learning program staff who is supervising must be available and able to respond at any time. Weight # 6~~

*Negotiated by small group in September NRM and propose to strike; Reviewed by December Prep Team; in queue for consensus in January

~~(3) The Family Home Licensee, Center Director, Assistant Director, Program Supervisor, Lead Teacher, or Assistant Teacher must be within visual and auditory range of an Instructional Aide, Aide, or Volunteer. The early learning program staff who is supervising must be available and able to respond at any time. Weight #6~~

*Negotiated by small group in September NRM; Reviewed by December Prep Team; DEL Tech writers proposed revised language for clarity; in queue for consensus

(2) When the Family Home Licensee, Center Director, Assistant Director, Program Supervisor, Lead Teacher, or Assistant Teacher is the only supervisory staff, the Aide or Volunteer may be out of visual or auditory range when attending to personal needs on the premises. Weight # 6

(2) When the Family Home Licensee, Center Director, Assistant Director, Program Supervisor, Lead Teacher, or Assistant Teacher is the only supervisory staff, the Aide or Volunteer may be out of visual or auditory range for brief period of time

while the supervisory staff attends to their personal needs on the premises. **Weight # 6**

*Negotiated by small group in September NRM; Reviewed by December Prep Team; in queue for consensus in January; DEL Tech provided revised language for clarity

(3) An early learning provider must have and follow a policy for observing and evaluating early learning program staff, pursuant to WAC 170-300-0461. The purpose is to provide meaningful feedback about how well staff is performing their duties, and to inform decisions regarding professional growth. Observations, evaluations and feedback must be kept confidential and in the staff member's employment file. **Weight NA**

(3) An early learning provider must have and follow a policy for observing and evaluating early learning program staff. The purpose is to provide meaningful feedback about how well staff is performing their duties, and to inform decisions regarding professional growth. Observations, evaluations and feedback must be kept confidential and in the staff member's employment file. **Weight #4**

*Negotiated by small group in September NRM; Reviewed by December Prep Team; Scheduled for TA Resolution at January NRM; DEL Tech writers maintain original language- see comment below

~~(4) Short, informal observations and feedback may occur monthly and may be spontaneous, scheduled at the request of the staff member, done as a result of a complaint, or scheduled as part of the program's continuous quality improvement plan. Weight # NA~~

(4) Short, informal observations and feedback may occur monthly and may be spontaneous, scheduled at the request of the staff member, done as a result of a complaint, or scheduled as part of the program's continuous quality improvement plan. **Weight # NA**

170-300-0115 – Consensus reached
Staff records.

(1) An early learning provider must establish a records system for themselves, household members, staff, and volunteers that meet the business needs of the early learning program. Early learning program records must be:

- (a) Verified by the Licensee, Center Director, Assistant Director, or Program Supervisor;
- (b) Input and maintained in the electronic workforce registry; and
- (c) Easily accessible on site or kept in the program's administrative office for department review for verification during department inspections or early learning program visits, either in the electronic workforce registry or in paper format. Paper records are not required to be kept once entered into and confirmed within the electronic workforce registry. **Weight #1**

(2) Early learning program records must include the following for each early learning provider working in the early learning program:

- (a) First and last name of the provider and program staff;
- (b) Date of birth;
- (c) Job title;
- (d) Education and Qualifications, pursuant to WAC 170-300-0100;
- (e) First and last day of employment;
- (g) Proof of professional credentials, requirements, and training for each early learning staff member, pursuant to WAC 170-300-0105 through -0110;
- (h) Documentation of all staff trainings. Staff files must be kept current in the electronic workforce registry. Staff names must be deleted from the electronic workforce registry when no longer employed at the early learning program.
Weight #4

(3) A Licensee, Center Director, Assistant Director, or Program Supervisor must maintain the following records for each early learning provider and 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;
- (d) At least annually, Observation, evaluation, and feedback information; and
- (e) The Licensee's Social Security Number, Federal EIN, or a written document stating the Licensee does not possess either;
Weight #4

**170-300-0120 – Subgroup negotiated and in queue for consensus
Providing for personal, professional, and health needs of staff.**

*Negotiated by small group in September NRM; Reviewed by December Prep Team with proposed language noted below; in queue for consensus in January; DEL Tech writers propose revised language for clarity

- (1) A Licensee must provide for the personal and professional needs of staff by:
- (a) Having a secure place to store personal belongings, which 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.
- Weight #4**

- (1) A Licensee must provide for the personal and professional needs of staff by:
- (a) Having a secure and convenient place for staff to store personal belongings that is inaccessible to children;
 - (b) Having a readily accessible phone to use for emergency calls or brief conversations with the parents of enrolled children; and
 - (c) Providing file and storage space for professional materials. **Weight #4**

*Negotiated by small group in September NRM; Reviewed by December Prep Team; in queue for consensus in January; DEL Tech Writers propose striking this subsection

- ~~(2) A Licensee must meet Washington State Department of Labor and Industries rules. **Weight #NA**~~

*Negotiated by small group in September NRM; Reviewed by December Prep Team; in queue for consensus in January; DEL Tech Writers proposed revised language for clarity

- (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. See WAC 170-300-0205 for illnesses and conditions that require a staff member to be excluded. **Weight #6**

- (3) A Licensee, Center Director, Assistant Director, or Program Supervisor must exclude staff, including Volunteers, from child care activities when a staff member's illness or condition poses a risk of spreading harmful diseases to others or compromises the health and safety of others. See WAC 170-300-0205 for possible illnesses and conditions that would exclude a staff member. **Weight #6**

***December Prep Team: TA/Resolution subsections (4-6)**

*Negotiated by small group in September NRM; Sent to DEL Tech Writers; Negotiate by TA/Resolution in October; Reviewed by December Prep Team; Scheduled for TA/Resolution in January

- (4) If a staff person has not been vaccinated, or has not 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](#), as now and hereafter amended. **Weight NA**

*Negotiated by small group in September NRM; Sent to DEL Tech Writers; Negotiate by TA/Resolution in October NRM; Reviewed by December Prep Team; Scheduled for TA/Resolution in January

(5)A Licensee, Center Director, Assistant Director, or Program Supervisor must notify the department, DOH, or the local health jurisdiction within 24 hours of being made aware of a program staff member being diagnosed with a contagious disease described in WAC [246-110-010](#), as now and hereafter amended. A health care provider may provide written notification that the staff person can safely return. An early learning provider must follow their Health policy (WAC 170-300-0500) before readmitting the staff person into the early learning program, or allowing them to participate in child care activities. **Weight #6**

*Negotiated by small group in September NRM; Sent to DEL Tech Writers; Negotiate by TA/Resolution in October NRM; Reviewed by December Prep Team; Scheduled for TA/Resolution in January

(6) Pursuant to 170-300-0500, an early learning program's Health policy must include provisions for excluding or separating staff with a contagious disease described in WAC [246-110-010](#), as now and hereafter amended. **Weight NA**

CHILD OUTCOMES		
SECTION	TITLE	RESOLUTION
170-300-0055	Developmental screening, communication to parents or guardians	Consensus Reached
170-300-0065	School readiness and family engagement activities	Consensus Reached

170-300-0055- Consensus Reached

Developmental screening, 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.

Weight # 3

(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 resource listed on DEL web site. **Weight # 3**

170-300-0065 – Consensus Reached

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. **Weight #3**

(2) These materials must be similar to relevant material posted online by OSPI or the department or other equivalent entities such as national ECE accrediting bodies, and may address:

- (a) Kindergarten transition activities if a child is ready to transition to kindergarten; and
- (b) Developmentally appropriate local school and school district activities designed to engage families.

Weight NA

FAMILY ENGAGEMENT		
SECTION	TITLE	RESOLUTION
170-300-0080	Family support self-assessment	Consensus Reached
170-300-0085	Family partnerships and communication	Consensus Reached

170-300-0080 - Consensus Reached

Family support self-assessment.

(1) 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) and keep documentation of completion. **Weight #1**

170-300-0085 - Consensus Reached
Family partnerships and communication.

(1) An early learning provider must attempt to communicate with families to identify individual children's developmental goals. **Weight #NA**

(2) An early learning provider must determine how the program can best accommodate each child's individual characteristics, strengths, and needs. An early learning provider must attempt to communicate with each child's family, upon enrollment and annually thereafter, to obtain information about a child's developmental, behavioral, health, linguistic, cultural, social, and other relevant information.

(a) when appropriate, 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.

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

(d) Upon request, attempt to give parents or guardians ~~contact~~ information regarding questions or concerns;

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

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

Weight # 3

(3) An early learning provider must:

(a) Communicate verbally or in writing:

(i) Provider changes drop-off and pickup arrangements as needed; and

(ii) Changes in off-site activities.

(b) Allow parents or guardians access to their child during normal hours of operation, except as excluded by a court order. **Weight #5**

ENVIRONMENT		
SECTION	TITLE	RESOLUTION
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
170-300-0160	Promoting Acceptance of diversity	Consensus reached
170-300-0165	Safety Requirements	Consensus reached on all except weights for 4(b). In queue for TA/Resolution (4)(b)
170-300-0166	Emergency Preparation and Exiting	Consensus reached
170-300-0170	Fire safety	Consensus reached
170-300-0175	Water Hazards and swimming pools	Consensus reached
170-300-0180	Meal and snack schedule	Consensus reached
170-300-0185	Menus, Milk, and food	Consensus reached
170-300-0186	Food allergies and special dietary needs	Consensus reached
170-300-0190	Parent or guardian provided food and Written Food Plan	Consensus reached
170-300-0195	Food service, equipment, and practices	Consensus reached
170-300-0196	Food sources	Consensus reached
170-300-0197	Safe food practices	Consensus reached
170-300-0198	Food preparation areas	Consensus reached on 1, 2, and 5 DEL to review/edit 3, 4
170-300-0200	Handwashing and hand sanitizer	Consensus reached
170-300-0205	Child, staff, and household member illness	Consensus reached
170-300-0210	Immunizations	Consensus reached
170-300-0211	Children exempt from immunizations	Re-written by DEL writers and combined into 0210. 0211 eliminated
170-300-0215	Managing and storing medications	Consensus reached
170-300-0220	Bathroom space and toilet training	Consensus reached
170-300-0221	Diaper changing areas and disposal	Consensus reached
170-300-0225	Pets and animals	Consensus reached
170-300-0230	First aid supplies	Consensus reached
170-300-0235	Safe water sources	Consensus reached
170-300- 0236	Safe drinking water	Consensus reached

170-300-0240	Clean and healthy environments	Consensus reached
170-300-0241	Cleaning schedules	Consensus reached
170-300-0245	Laundry and equipment	Consensus reached
170-300-0250	Private septic systems	Consensus reached
170-300-0255	Pest control	Negotiated, No Consensus: Tabled
170-300-0260	Storage of maintenance and janitorial supplies	Consensus reached 1-4. subsection (5) in queue for TA Resolution
170-300-0265	Sleep, rest, and equipment	Consensus reached
170-300-0270	Evening and overnight care	Consensus reached 1-4, 6 Subsection (5) tabled
170-300-0275	Infant and toddler care	Consensus reached
170-300-0280	Bottle preparation	Consensus reached
170-300-0281	Breast Milk	Consensus Reached
170-300-0285	Infant and toddler nutrition and feeding	Consensus reached Subsection 2L negotiated, no consensus- tabled
170-300-0290	Infant and toddler sleep, rest, and equipment	Consensus reached
170-300-0291	Infant and toddler safe sleep practices	Consensus reached on Language Weights tabled
170-300-0295	Infant and toddler programs and activities	Consensus reached
170-300-0296	Infant and toddler development	Consensus reached

170-300-0130-Consensus Reached
Indoor early learning program space.

- (1) Indoor early learning program space 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- Consensus Reached
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) 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) 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 developmentally appropriate for the children in care. **Weight #4**

170-300-0140- Consensus Reached

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 located at enrolled children's eye level and related to current activities or curriculum. **Weight # 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**

- (3) An early learning provider must have extra clothing available for children who wet, soil, or have a need to change clothes. **Weight #1**

- (5) An early learning provider must provide individual 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) Promote or encourage children to organize their possessions.**Weight # 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 active and appropriate supervision;
 - (b) Allow children to move freely 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.**Weight #4**

170-300-0145- Consensus Reached
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**
- (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) 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**
- (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**
- (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**
- (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. **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, 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 codes in height. For a fence lower than 48 inches, the provider must submit a supervision plan to the department. **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 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**

(12) Within six months of the date this section becomes effective or prior to licensing, exiting mechanism 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. **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. **Weight #5**

170-300-0146- Consensus Reached
Equipment and surfaces in outdoor early learning space.

(1) Playground equipment and surfacing used by an early learning provider must comply with applicable CPSC's guidelines at time of installation 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 shock absorbing materials. (Grass alone is not an acceptable) such as:

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**

(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**

(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 **Weight #6**

(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**

170-300-0147- Consensus Reached
Weather conditions and outdoor requirements.

(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**

(2) An early learning provider must dress children for weather conditions during outdoor play time. **Weight # 5**

170-300-0148- Consensus Reached
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) If gardening in raised beds, use new soil that is labeled as organic and 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**
 - (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 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 – Consensus Reached
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 variety of materials that satisfy individual, developmental, and cultural needs. Early learning materials and equipment must be:

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

Weight # 4

(e) 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.

- (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.

Weight 6

(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**

170-300-0155 – Consensus Reached
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 and should be interactive with staff. **Weight #5**

(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**

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

(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**

(6) There must not be intentional screen time for children under 24 months of age. An infant or toddler must be redirected from an area where screen time is displayed. **Weight #4**

170-300-0160- Consensus Reached
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 may 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.

Weight #4

- (2) Upon becoming aware, an early learning provider must intervene appropriately to stop biased behavior displayed by children or adults including, but not limited to:
 - (a) Taking appropriate action when observing biased behavior such as redirecting an inappropriate conversation or inappropriate behavior;
 - (b) Taking actions to be aware of situations that may involve bias and responding appropriately; and
 - (c) Refusing to ignore bias.

Weight #6

170-300-0165- Consensus Reached; (4)(b) in queue for consensus (weights)

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 or hereafter amended. Playground equipment and surfaces must meet the requirements of WAC 170-300-0146. **Weight N/A**

(2) An early learning provider must take measures intended 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 ($1 \frac{3}{4}$) 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 ($1 \frac{3}{4}$) 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; **Weight #6**

(b) Eliminating and not using in the licensed space, pursuant to RCW 43.215.360, as now or hereafter amended, any window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing risk of strangulation to children;

(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;

(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.

Weight #7

(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 being used for a supervised activity. **Weight #5**

(d) Making inaccessible to children plastic bags and other suffocation hazards; **Weight #7**

(e) Making inaccessible to children poisons, chemicals, toxins, or any product labeled "Keep out of reach of children"; **Weight #N/A**

(f) Ensuring firearms, guns, weapons, and/or ammunition are not in the premises of a center early learning program. Firearms, guns, weapons, and ammunition on the licensed space of a family home early learning program must be stored in a locked gun safe or locked room inaccessible to children. If stored in a locked room, each gun must be stored unloaded and with a trigger lock or other disabling device. The locked room must be inaccessible to children at all times; and **Weight #8**

(g) Preventing children from attempting to walk or go through a glass door, window, or other glass barrier, there must be stickers or art work placed at child's eye level on the glass. **Weight #3**

(h) 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. **Weight #6**

(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; **Weight #5**

(b) **Burns.** Equipment, materials, or products that may be hot enough to injure a child must be made inaccessible to children; **Weight #7**

(c) **Sheering, crushing, or pinching.** Broken or cracked equipment, materials, and objects must be repaired, removed, or made inaccessible to children; **Weight #5**

(d) **Entrapment.** Freezers, refrigerators, washers, dryers, compost bins, and other entrapment dangers must be inaccessible to children unless being actively supervised; **Weight #6**

(e) **Tripping.** tripping hazards must be eliminated. Uneven walkways, damaged flooring or carpeting, or other tripping hazards must be removed or repaired; **Weight #4**

(f) **Falling objects.** Large objects capable of tipping must be securely attached. Large objects include, but are not limited to, televisions, dressers, bookshelves, wall cabinets, sideboards or hutches, and wall units; and **Weight #6**

(g) **Equipment in poor condition.** Equipment in poor condition must be repaired, removed, or made inaccessible to children. **Weight #4**

(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.**

(i) The indoor temperature for the early learning licensed space must not be less than 65 degrees Fahrenheit or greater than 82 degrees Fahrenheit; and

(ii) Fans, air conditioner or cross ventilation must be used in licensed space when the indoor temperature exceeds 82 degrees Fahrenheit.

Fans and air conditioners must be inaccessible to children. **Weight #4**

(b) **Windows screens and openings.** All windows designed to be opened must have screens. Windows within the reach of children must only open up to three and one-half inches. The three and one-half inch opening does not apply to a family home early learning program when a window is utilized as an exit window. **Weight # *Subsection (4)(b) weight tabled for further negotiation**

(c) **Licensed Space lighting.** All areas of an early learning program licensed 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 manufacturer's 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.

Weight #5

(d) **Safe noise levels.** Noise levels must be maintained at a level in which a normal conversation may occur. **Weight #3**

(e) **Safe water temperature.** All water accessible to children must not be hotter than 120 degrees Fahrenheit. **Weight #7**

(f) **Stairway safety.**

- (i) All stairways (indoor and outdoor) must have natural or artificial light that provides sufficient illumination to safely use the stairway;
- (ii) There must not be clutter or obstructions in the stairway;
- (iii) All stairways (indoor and outdoor), not including play structures, must meet local building codes pursuant to RCW 43.215.308. Open stairways with no walls on either side must have handrails with slats (balusters) that prevent a child from falling off either side of the stairway. For stairways with a wall on only one side, there must be a handrail with slats (balusters) on the side without the wall that prevents a child from falling off the stairway. For stairways with a wall on both sides, there must be at least one side of the stairway that has a handrail no higher than 38 inches; and
- (iv) Stairways must have a pressure gate, safety gate or, door to keep stairs inaccessible to infants and toddlers when not in use. Openings between slats on pressure or safety gates must not be larger than three and one-half inches in any direction (a 3-1/2" sphere). **Weight #7**

#7

(g) **Platforms and decks.** All platforms and decks used for child care activities must meet local building codes pursuant to RCW 43.215.308 within six months of the date this section becomes effective. This does not include play equipment. All platforms and decks with a drop zone of more than 18 inches must have guardrails in sections without steps. **Weight #7**

(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 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. **Weight #7**

170-300-0166- Consensus Reached
Emergency preparation and exiting.

- (1) To be properly prepared for an emergency, an early learning program must have and follow an emergency preparedness plan pursuant to WAC 170-300-0470 and comply with the following requirements:
 - (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.

Weight #6

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

Weight #7

170-300-0170- Consensus Reached

Fire safety.

- (1) An early learning provider must comply with the State Building Code as now or hereafter amended, pursuant to RCW 19.27.031. **Weight #7**
- (2) An early learning provider must arrange for fire safety inspection annually, and inspection documents must be available for department review. A provider must arrange fire safety inspection with a local government agency. If a local government agency is not available to conduct a fire safety inspection, a provider must inspect for fire safety using the State Fire Marshal form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>). **Weight #6**
- (3) To ensure a safe environment for children in care, an early learning provider must comply with the following fire safety requirements:
 - (a) **Combustible materials.** Combustible materials must be properly discarded pursuant to local jurisdictions, removed from the premises, or properly stored in closed metal containers specifically designed to hold such combustible materials. Combustible materials stored in a closed metal container must not be stored in the premises licensed space or any place that may be accessible to children in care. Combustible materials include, but are not limited to, lint, gasoline, natural gas, diesel, fuel, propane, rags soaked in combustible materials, oils, chemicals, or solvents.
 - (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 under direct supervision during a specific activity
 - (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.** Except for the use of a gas kitchen range, open flame devices must not be used in early learning program space or any other space accessible to children in care during operating hours. Candles must not be used during operating hours, matches, and lighters must be inaccessible to children.
 - (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 15 feet from buildings, windows, doors, ventilation

- intakes, or other places where exhaust fumes may be vented into the premises or early learning space; and
- (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 word-burning device will not be used at any time.
 - (g) **Fire alarms and smoke and carbon monoxide detectors.**
 - (i) An early learning program must have and maintain at least one smoke detector per licensed sleeping area and one per floor. Pursuant to the State Building Code, center early learning providers must comply with WAC 51-50-0907 and family early learning providers must comply with WAC 51-51-0314; and
 - (ii) An early learning program must have and maintain carbon monoxide detectors. Pursuant to the State Building Code, the State Building Code, center early learning providers must comply with WAC 51-50-0915 and family early learning providers must comply with WAC 51-51-0315.
 - (h) **Backup method to sound an alarm.** In addition to working smoke detectors, an early learning program must have another method to alert all staff and enrolled children of a fire, emergency situation, or drill.
 - (i) **Extinguishers.** An early learning program must have and maintain working fire extinguishers that are marked with a minimum rating of 2A:10 BC.
 - i. Fire extinguishers must be located per the requirements of the International Fire Code with Washington State Amendments, 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.** At least once per month a provider must inspect the premises to identify possible fire hazards and eliminate any hazards found. A provider must:
 - (i) Involve Lead Teachers responsible for a child or group of children and staff persons responsible for observing the premises or their individual classrooms.
 - (ii) Keep records of monthly inspections for department review for:
 - (A) Fire extinguishers;
 - (B) Smoke detectors;
 - (C) Alternate alarms; and

(D) Emergency lighting. **Weight #7**

170-300-0175 – Consensus Reached
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:

- (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, below grade storage tanks, farm manure ponds or other similar hazards. **Weight #8**

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

- (a) Comply with the supervision requirements of WAC 170-300-0350;
- (b) Audible alarms must be on all doors, screens, and gates in licensed areas that lead to a swimming pool. The alarm must be sufficient to warn staff when children enter the outdoor area and could access the swimming pool;
- (c) Swimming pools must be maintained according to manufacturer specifications;
- (d) Swimming pools must be cleaned and sanitized according to manufacturer instructions and DOH or local health jurisdiction guidelines;
- (e) A swimming pool must not be used if the main drain cover is missing; and
- (f) Children in diapers or toilet training must wear swim pants to lower the risk of contaminating the water. **Weight #8**

(3) Portable wading pools must be inaccessible to enrolled children when not in use. "Wading pool" means a pool that has a water depth of less than two feet (24 inches). A portable wading pool is one that is formed of molded plastic or inflatable parts, and can be removed after use. **Weight #7**

(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. **Weight #8**

(5) Five-gallon buckets or other similar containers must not be used for infant or toddler water play. **Weight #8**

(6) If a provider uses water tables or similar containers, they must be emptied and sanitized daily, or more often if necessary. **Weight # 4**

(7) "Locking mechanism" means a lock that requires a key, tumbler, dial, passcode, touchpad, or similar device or method to lock and unlock. **Weight NA**

(8) "Physical barrier" means:

- (a) A non-climbable fence or wall that is at least five feet tall and has no openings greater than two inches
- (b) A gate or door that allows entry to and exit from the body of water must meet the following requirements:
 - (i) Contain a locking mechanism;
 - (ii) Be at least five feet tall;
 - (iii) Have no openings greater than two inches;
 - (iv) Have a self-closing or self-latching device;
 - (v) A device used to open the locks must be inaccessible to children but readily available to staff; and **Weight NA**

(9) "Swimming pool" means a pool that has a water depth greater than two feet.
Weight NA

170-300-0180- Consensus Reached
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.
- Weight # 4**

(2) An early learning provider must offer dental health education to all children.

- (a) Providers must also offer support for one scheduled daily opportunity for developmentally appropriate tooth-brushing activities that are safe, sanitary, and educational with parent permission (not all children must receive this opportunity);
- (b) For overnight care, the early learning provider must offer the opportunity before bed;
- (c) Parents may opt-out of tooth-brushing activities for their children with a signed form that is specific to their child, ensuring they are aware of the ADA guidance for twice daily tooth-brushing; and
- (d) For children whose parents opt-in to tooth-brushing support, toothbrushes must be stored in a manner that prevents cross contamination.

Weight #1

170-300-0185- Consensus Reached
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) and CACFP Crediting Handbook or the national school breakfast and lunch program.
 - (a) An early learning provider must provide dated menus.
 - (b) Food and beverage substitutions to a scheduled menu must be of equal nutritional value pursuant to subsection (1).
 - (c) An early learning provider must only serve water, unflavored milk or 100% fruit or vegetable juice.
 - (d) An early learning provider must limit the consumption of 100% fruit juice to no more than 4-6 ounces per day for children between one and six years old, and 8-12 ounces per day for children seven through twelve years old.

Weight: 5

- (2) An early learning provider must serve a fruit or vegetable as one of the two required components during at least one snack per day.

Weight: 5

170-300-0186- Consensus Reached
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 (WAC 170-300-0300(3)) 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 names of all medication to be administered, directions for how to administer the medication and directions related to medication dosage amounts. The specific treatment plan must also describe allergic reactions and symptoms associated with the child's particular allergies.
Weight #8

- (2) An early learning provider and staff 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.
Weight #8

- (3) If a child suffers from an allergic reaction, the early learning program staff must promptly administer medication pursuant to the instructions in the Individual Care Plan. **Weight #8**

- (4) Early learning program staff must immediately contact 911 whenever epinephrine or another lifesaving medication has been administered. **Weight #8**

- (5) Early learning program staff must immediately notify the parents or guardians of a child if it is suspected or appears that any of the following occurred, or is occurring:
 - (a) The child is having an allergic reaction; or
 - (b) 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.
Weight #8

- (6) Early learning program staff must notify the parents or guardians of enrolled children of the program's food allergy policies. **Weight # 5**

- (7) Early learning program staff including substitutes must review each child's Individual Care Plan information for food allergies prior to serving food to children. **Weight #7**

(8) An early learning provider must post individual children’s food allergies or special dietary needs in a classroom or wherever food is prepared and served. The list must be posted in a location easily viewable by early learning staff but not viewable by children in care, parents, guardians, or other members of the public.

**Weight To Be Confirmed from video*

(9) To ensure proper treatment of an allergic reaction during field trips, early learning program staff must carry children’s written Individual Care Plans, a mobile phone, and children’s medication.

**Weight To Be Confirmed from video*

170-300-0190 – Consensus Reached

Parent or guardian provided food and Written Food Plans.

- (1) A Written Food Plan must be developed by the provider and parent/guardian, signed by all parties, and followed when providing accommodations for a child's:
- (a) Special feeding needs;
 - (b) Special diets;
 - (c) Religious or cultural preferences;
 - (d) Family preference; or
 - (e) Other needs

Weight #3

- (2) Provider may allow or require parents to bring food to meet the Written Food Plan. **Weight NA**

- (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.

Weight #5

- (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 by parents or guardians 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 the parent or guardian 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.

Weight #4

170-300-0195- Consensus Reached
Food service, equipment, and practices.

(1) Early learning program staff preparing and/or serving food, including volunteers, must comply with the DOH's current Washington State Food and Beverage Workers' Manual and observe food preparation services when someone other than program staff are preparing food. **Weight #5**

(2) Snacks and meals must be prepared and served by a program staff person who possesses a valid and current Food Worker card pursuant to WAC 0106(14), unless the food is provided pursuant to WAC 170-300-0196(3). **Weight # NA**

(3) An early learning provider must:

(a) Provide 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/bottles can 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 eating surface.;

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

Weight #5

(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.

Weight 3

170-300-0196- Consensus Reached
Food sources.

- (1) Food prepared and served from an early learning program must not be known to be tampered with or spoiled. **Weight #8**

- (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. **Weight # 6**

- (3) Food not prepared on-site by early learning program staff pursuant to WAC 170-300-0195(2) must be provided by:
 - (a) A licensed food service establishment, kitchen, or catering business that meets DOH 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. **Weight #6**

- (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.
 - (c) Produce that shows signs of rotting must be discarded. **Weight # 3**

170-300-0197 – Consensus Reached
Safe food practices.

- (1) Early learning providers must wash their hands pursuant to WAC 170-300-0200 (Handwashing and hand sanitizer). **Weight NA**
- (2) Early learning providers—must store, prepare, cook and hold food and wash dishes pursuant to WAC 170-300-0195 (Food service, equipment and practices). **Weight NA**
- (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.
Weight #7
- (4) Food must be stored as follows:
 - (a) Food must be in original containers or in clean, labeled, dated, and airtight food grade containers, if appropriate. If refrigeration is not required, the container must be stored at least six inches off the floor;
 - (b) Food must be stored in a manner that prevents contamination from other sources;
 - (c) 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);
 - (d) Food that is past the manufacturer's expiration or "best served by" date must be discarded; and
 - (e) Raw meat must be stored in the refrigerator or freezer below cooked or ready to eat foods. **Weight #7**
- (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. **Weight #5**
- (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.
Weight #5
- (7) An early learning provider may serve leftover food that originated from the early learning program if:
 - (a) The food was not previously served;
 - (b) It was stored at the proper temperature for less than 48 hours after preparation; and

- (c) Leftover food may be frozen and served promptly after thawing. **Weight #5**
- (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 immediately as part of the continuous cooking process. **Weight #6**

170-300-0198- Consensus Reached on 1, 2, 5; Subsection 3-4 sent to DEL Tech 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. **Weight #6**
- (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. **Weight #6**

* Subsection (3) has been tabled for DEL writers to redraft.

- (3) A center early learning program 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, and kitchen utensils and equipment in the food preparation area using:
 - (i) A two-compartment sink and an automatic dishwasher that reaches at least 155 degrees Fahrenheit; 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). **Weight #6**

*Subsection (4) has been tabled for DEL writers to redraft. DEL writers proposed draft is in the box below. Subsection 4 is to go to negotiation.

- (4) An early learning provider must:
 - (a) Clean and sanitize a sink immediately before using it to prepare food to be served to children in care;
 - (b) Use a colander or other method to prevent food and kitchen utensils from touching the sink basin; and
 - (c) Dishes, pans, and kitchen utensils must be:
 - (i) Cleaned and sanitized by an automatic dishwasher that reaches at least 155 degrees Fahrenheit; or
 - (ii) Hand washed, rinsed, sanitized, and allowed to air dry.

Weight #6

- (4) A family home early learning provider must:
 - (a) Clean and sanitize a sink immediately before using it to prepare food to be served to children in care;

- (b) Use a colander or other method to prevent food and kitchen utensils from touching the sink basin; and
 - (c) Dishes, pans, and kitchen utensils must be:
 - (i) Cleaned and sanitized by an automatic dishwasher that reaches at least 155 degrees Fahrenheit; or
 - (ii) Hand washed, rinsed, sanitized, and allowed to air dry. **Weight #6**
- (5) An early learning provider may use the kitchen for supervised cooking or food preparation activities with children in care. **Weight #N/A**

170-300-0200- Consensus Reached Handwashing and hand sanitizer.

(1) Early learning program staff, including volunteers, 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 20 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 with 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. **Weight #NA**

(2) An early learning provider must wash and sanitize cloth towels after a single use. Soiled and used towels must be inaccessible to children. **Weight #4**

(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. **Weight #6**

(4) Early learning program staff must wash their hands following handwashing procedures listed above:

- (a) When arriving at work;
- (b) After toileting a child;
- (c) Before, during, and after diapering a child (use a wet wipe in place of handwashing during the middle of diapering only) and must wash hands after diapering is complete;
- (d) After personal toileting;
- (e) After attending to an ill child;
- (f) Before and after preparing, serving, or eating food;
- (g) After handling raw or undercooked meat, poultry, or fish;
- (h) Before and after giving medication or applying topical ointment;
- (i) After handling, feeding, or cleaning up after animals;
- (j) After handling bodily fluids;
- (k) After using tobacco or vapor products;
- (l) After being outdoors;
- (m) After gardening activities;
- (n) After handling garbage and garbage receptacles; and
- (o) As needed or required by the circumstances. **Weight N/A**

(5) Early learning program staff 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. **Weight N/A**

(6) Hand sanitizers or hand wipes with alcohol may be used for adults and children over 24 months of age under the following conditions:

- (a) when proper handwashing facilities are not available;
 - (b) Hands are not visibly soiled or dirty;
- Weight N/A**

(7) Children should be supervised when using hand sanitizers to avoid potential ingestion or contact with eyes, nose or mouths.

- (a) Hand sanitizer should not be used in place of proper handwashing
- (b) An alcohol-based hand sanitizer must contain 60-95% alcohol to be effective **Weight #7**

170-300-0205- Consensus Reached
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. **Weight #6**

- (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. **Weight #6**

- (3) When a child becomes ill, and early learning provider or school nurse when applicable must determine whether the child should be sent home and/or isolated from others. A provider must supervise the child to reasonably prevent contact between the ill child and healthy children. **Weight #6**

- (4) An ill child must be sent home or reasonably isolated from other children;
 - (a) If the illness or condition prevents the child from participating in normal activities;
 - (b) If the illness or condition requires more care and attention than the early learning provider can give;
 - (c) If 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) If there is a risk that the child's illness or condition will spread to other children or individuals. **Weight # 6**

- (5) Unless covered under 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 he or she has:
 - (a) A fever equal to or greater than 100 degrees Fahrenheit for a person's temperature measured under the arm or by a forehead (temporal artery) scanner. Fever alone does not require that a child be sent home unless accompanied by other symptoms;
 - (b) A fever 101 degrees Fahrenheit measured orally for preschool age children or older. Fever alone does not require that a child be sent home unless accompanied by other symptoms;
 - (c) An earache, headache, sore throat, or vomiting;
 - (d) Diarrhea that includes more than one abnormally loose, runny, or watery stool, or one bloody stool;
 - (e) A rash not associated with heat, diapering, or an allergic reaction;
 - (f) Drainage of thick mucus or pus from the eye or nose;
 - (g) Open sores or wounds discharging bodily fluids;
 - (h) Lice or scabies. Individuals with head lice or scabies must be excluded from the child care premises beginning from the end of the day the head lice or scabies was discovered. The provider may allow an individual with head lice or scabies to return to the premises after receiving the first treatment.

(Please check caring for our children and ensure that this should be the same requirement) or

(i) Fatigue that prevents participation in regular activities. **Weight # NA**

(6) At the first opportunity, but in no case longer than 24 hours of learning that an enrolled child, staff member, volunteer, or household member has been diagnosed by a health care professional with a contagious condition listed in the current DOH Notifiable Conditions List

(<http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/NotifiableConditions/ListofNotifiableConditions>), an early learning provider must provide written notice to:

- (a) The department and DOH or the local health jurisdiction; and
- (b) Parents or guardians of each of the children in care. **Weight #7**

(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 auxiliary 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. **Weight #6**

(8) An early learning provider may readmit a child into care or a staff member, volunteer, or household member into the early learning program area with written notification from DOH or a health care provider stating the individual may safely return after being diagnosed with a condition from the current DOH Notifiable Conditions List. **Weight #5**

(9) An early learning provider must follow its Health policy (WAC 170-300-0500) before readmitting a child into the program, allowing staff or volunteers to continue work, or allowing household members to participate in child care activities. **Weight #6**

170-300-0210- Consensus Reached 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 diseases, pursuant to chapter 246-105 WAC as now and hereafter amended. Immunization forms can be found at

<http://www.doh.wa.gov/YouandYourFamily/Immunization/FormsandPublications/Forms>. An early learning provider may accept children without proof of vaccinations or immunity as otherwise indicated in this section. **Weight #NA**

(2) An early learning provider must receive for each enrolled child:

- (a) A current and complete DOH certificate of immunization status (CIS) or certificate of exemption (COE) or other DOH approved form, pursuant to WAC 246-105-050; or
- (b) A current immunization record from the Washington State Immunization Information System (WA IIS);

Weight #3

(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 as soon as medically possible 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.

Weight# 3

(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.

Weight #NA

(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, case worker, or health care provider offers written proof that he or she is in the process of obtaining the child's immunization records. **Weight #3**

- (6) An early learning provider may exclude a child from care if:
- (a) The child's parent or guardian fails to make progress toward full immunization according to a plan submitted under subsection (3) of this section; or
 - (b) The parents or guardians of a child with a medical exemption fails to make progress toward full immunization pursuant to WAC 246-105-050(3) upon completion or expiration of medical exemption.
- Weight #NA**
- (7) An early learning provider must notify the parent or guardian of a vaccine exempted child or children without vaccination documentation if an outbreak of a vaccine-preventable disease occurs within the early learning program. A provider may exclude the child from the child care premises for the duration of the outbreak of the vaccine-preventable disease. **Weight #7**
- (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. **Weight # NA**

170-300-0215- Consensus Reached Medication

(1) Managing medication. An early learning provider must have and follow a medication management policy that includes, but is not limited to, policies on safe medication storage, reasonable accommodations for giving medication, mandatory medication documentation, and forms pursuant to WAC 170-300-0500 (Health policy). **Weight #3**

(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; and
- (b) The department standardized training course in medication administration that includes a competency assessment pursuant to WAC170-300-0106(10) or other DEL-approved training.
- (c) Parents and guardians, or an appointed designee, must provide training to early learning providers 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 parent or guardian, or the designee. **Weight #6**

(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. **Weight #8**

(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 labeled with:

- (i) A child's first and last name;
- (ii) The date the prescription was filled;
- (iii) The name and contact information of the prescribing health professional;
- (iv) The expiration date, dosage amount, and length of time to give the medication;
- (v) Instructions for the administration, storage

and accompanied with medication authorization form that has the medical need and the possible side effects of the medication.

Weight #7

(ii) **Non-prescription oral medication.** Non-prescription (over-the-counter) oral medication brought to the early learning program by a parent or guardian must be in the original packaging.

- (i) Non-prescription (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
- (ii) Non-prescription medication must only be given to the child named on the label provided by the parent or guardian.

Weight #7

(iii) **Other non-prescription 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). **Weight #6**

(iv) **Non-medical items.** A parent or guardian may authorize an early learning provider to administer the following non-medical items annually:

- (a) Diaper ointments used as needed and intended only for the diaper area of children;
- (b) Sunscreen
- (c) Lip balm or lotions;
- (d) Hand sanitizers or hand wipes with alcohol, which may be used only for children over 24 months old; and
- (e) Fluoride toothpaste for children two or above. **Weight #2**

(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. **Weight #7**

(vi) An early learning provider must not give or allow 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. **Weight #8**

(b) Medication Documentation (excluding non-medical items). An early learning provider must keep a current written medication log that includes:

- (a) A child's first and last name;
- (b) The name of the medication that was given to the child;

- (c) The dose amount that was given to the child;
- (d) Notes about any side effects exhibited by the child;
- (e) The date and time of each medication given or reasons that a particular medication was not given; and
- (f) The name and signature of the person that gave the medication.

Weight #6

(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:

- (a) Medication must be inaccessible to children;
- (b) Controlled substances must be locked in a container or cabinet which is inaccessible to children;
- (c) Medication must be kept away from food in a separate, sealed container;
- (d) 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.

Weight #7

(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. **Weight #5**

170-300-0220 – Consensus Reached
Bathroom space and toilet training.

- (1) An early learning provider must provide at least one indoor bathroom in the licensed space that complies with the following:
- (a) One working flush-type toilet (center early learning programs for every 15 children and staff) that is an appropriate height and size for children. To comply with height and size requirements for children, a platform may be used that is easily cleanable and resistant to moisture and slipping. For purposes of calculating the number of flush-type toilets, a child in diapers is not included in the calculation until the child begins toilet training;
 - (i) Staff toilets may be located outside of licensed space on the premises.
 - (b) One working sink and faucet (center early learning programs for every 15 children and staff) that is an appropriate height and size for children. To comply with the height and size requirements for children, a platform may be used that is easily cleanable and resistant to moisture and slipping.
 - (i) Staff sinks and faucets may be located outside of licensed space on the premises.
 - (ii) For handwashing, a faucet must provide warm running water between 60 and 120 degrees Fahrenheit;
 - (iii) Sinks and faucets must be located in the bathroom or immediately outside each bathroom;
 - (iv) Bathroom sinks must have water controls that are accessible to the intended user; and
 - (v) Bathroom sinks must not be used as a drinking source or for food preparation.
 - (c) The bathroom must provide privacy while toileting for children who demonstrate a need for privacy;
 - (d) A toilet paper dispenser for each toilet must be within arm's reach of a child;
 - (e) A window or exhaust fan must ventilate each bathroom;
 - (f) The bathroom floor must have a washable surface, resistant to moisture, and cleaned and disinfected on a daily basis or more often as needed; and
 - (g) If an early learning program premises is equipped with a bathtub or shower, the provider must:
 - (i) Only give a bath or shower to any child with parent or guardian's consent;
 - (ii) Only use the bath or shower to clean a child after an accident such as diarrhea or vomiting incident or during non-standard hours;
 - (iii) Ensure the area around a bathtub or shower is equipped with a conveniently located grab bar, or a nonskid floor, pad, or surface;
 - (iv) Provide developmentally-appropriate supervision to a child taking a shower or bath; and
 - (v) Make the bathing facility inaccessible to children when not being used by children (in center early learning programs only). **Weight #6**

(2) An early learning provider must discuss toilet training procedures with a 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. **Weight #5**

(3) 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. **Weight #5**

(4) Toilet training equipment must be cleaned in a designated sink that must not be used for food preparation, handwashing, or clean up.

- (a) A family home early learning program may use a bathtub or multipurpose sink unless it is used for food preparation. This sink, basin, or bathtub must be cleaned and disinfected after each use with a safe disinfectant. **Weight #6**

(5) 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. **Weight #5**

(a) If applicable, an early learning provider must post and follow a stand-up diapering procedure (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>).

170-300-0221- Consensus Reached
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) Washable;
 - (C) Has a moisture resistant surface that is cleanable
 - (D) Large enough to prevent the area underneath the diaper changing area from being contaminated with bodily fluids; and
 - (iv) 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. **Weight #6**
 - (b) An early learning provider must not leave a child unattended on the diaper changing surface or mat during the diaper changing process; **Weight #7**
 - (c) An early learning provider must not use safety belts on diaper changing tables because they are neither cleanable nor safe; and **Weight #6**
 - (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. **Weight #4**
- (2) If using a diaper changing station at an early learning program, it must be:
- (a) Within arm's length of a to a handwashing sink or readily accessible to prevent cross contamination; and
 - (b) 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. **Weight #5**
- (3) If reusable or cloth diapers are used, the diapers must:
- (a) Not be rinsed; and
 - (b) Placed in a securely sealed moisture impervious bag and stored in a separate disposal container. On a daily basis, the diapers must be delivered

to a commercial laundry service or given to the child's parent or guardian.

Weight #6

(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 to prevent cross contamination;
- (b) Lined with a disposable plastic trash bag;
- (c) Within arm's length of the diaper changing area.

Weight #6

170-300-0225- Consensus Reached

Pets and animals.

- (1) An early learning provider may have pets or other animals on the early learning program premises. **Weight NA**

- (2) If an early learning provider keeps pets or animals on the early learning program premises, an early learning provider must have and follow a pet and animal policy and provide written notice to children's parents and guardians.
Weight #5

- (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.**Weight #7**

- (4) An early learning provider must:
 - (a) Directly supervise children who interact with pets or other animals;
 - (b) Require children and early learning program staff to wash hands after handling or feeding pets, or handling pet toys or equipment;
 - (c) Make reptiles and amphibians that are not part of the early learning program or activities inaccessible to the children due to the risk of Salmonella;
 - (d) 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;
 - (e) Require indoor birds to be caged;
 - (f) If containers or cages are used for pets and animals; the container must have the ability to prevent debris from spilling out of the container or cage;
 - (g) 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;
 - (h) Not use a sink used for cleaning food or utensils to clean pet supplies;
 - (i) Not allow animals in rooms or areas typically used by infants or toddlers if a center early learning program;
 - (j) Provide direct supervision when animals are in family home early learning program areas with infants and toddlers, including naptime; and
 - (k) Store pet and animal medication separate from human medication.**Weight #6**

- (5) If early learning program activities or special events include or involve animals that carry Salmonella, which include but is not limited to reptiles, amphibians, chickens, or ducks, early learning program staff must:
- (a) Directly supervise children interacting with these animals to reduce the risk of Salmonella; **Weight #7**
 - (b) Wash their hands after interacting with these animals; and **Weight NA**
 - (c) Require that the children wash their hands after interacting with these animals. **Weight NA**
- (6) 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, cages, to be cleaned and disinfected at least weekly or more often if needed and litterboxes cleaned daily;
 - (c) Litter boxes to be kept inaccessible to children;
 - (d) Animal wastes and litter to be disposed of as soon as possible and the area disinfected;
 - (e) Animal waste is disposed of in a manner that prevents children from coming into contact with the waste material. All animal waste must be inaccessible to children;
 - (f) 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
 - (g) Indoor and outdoor play space to be cleaned and disinfected where animals or bird waste or vomit is present. This must be done as soon as possible, or prior to access by children. **Weight #6**

170-300-0230 – Consensus Reached
First aid supplies.

(1) An early learning provider must maintain 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) A first aid kit must:

- (i) Be stored in an easily accessible location for staff;
- (ii) Be inaccessible to children;
- (iii) Be separate from food or chemicals;
- (iv) Be kept clean and sanitary;
- (v) Be stored in a manner that prevents contamination; and
- (vi) 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.

Weight #7

(2) A first-aid kit must include:

- (a) Disposable nonporous protective non-latex 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). **Weight #1**

170-300-0235 – Consensus Reached
Safe water sources.

(1) Hot and cold running water shall be supplied to early learning program premises. **Weight #7**

(2) An early learning provider must use a Washington state certified water laboratory accredited by the department of ecology to analyze drinking water to test the program water supply for lead and copper. All fixtures used to obtain water for preparing food or infant formula, drinking, or cooking must be tested prior to licensing and at least once every six years. Testing must be done pursuant to current environmental protection agency standards. A copy of the water testing results must be kept on the licensed premises or easily accessible from a central administrative office. If the test results are at or above the current EPA action level, an early learning provider must immediately (within 24 hours):

- (a) Consult with the 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 the test results;
- (d) Contact and advise the department of the water test results and steps taken to protect enrolled children;
- (d) and
- (e) Notify the department once lead and copper levels are below the current EPA action level. **Weight #7**

(3) 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 within six months of the date this section becomes effective and at least once every 12 months thereafter for coliform 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 coliform 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 coliform bacteria, or greater than ten ppm for nitrates, the provider must:

- (i) Immediately (within 24 hours) stop using the well water in the child care premises; and
- (ii) Inform the local health jurisdiction or the department of health and the department of the positive test results.

(c) If directed by the department, an early learning provider must discontinue child care operations until repairs are made to the water system and

water tests indicate desirable results pursuant to subsection 3(a) of this section.

(d) If the department determines that child care operations may continue while an unsafe water system is being repaired or installs treatment, an early learning provider must:

- (i) Provide an alternate source of water, approved by the department; and
- (ii) Repair the well or install treatment as required and re-test until the water meets the water quality standards pursuant to subsection 3(a) of this section. **Weight #7**

(4) An early learning provider must immediately notify the department 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. **Weight #7**

170-300-0236- Consensus Reached
Safe drinking water.

- (1) An early learning program's drinking water must:
 - (a) Be offered frequently and 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. **Weight #6**

- (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. **Weight #6**

170-300-0240- Consensus Reached
Clean and healthy environment.

(1) Early learning program premises and program equipment must be clean and sanitary.

(a) Early learning program hard surfaces including, but not limited to, hard floors, walls, counters, bookshelves, and tables must be smooth and easily cleanable. A cleanable surface must be:

- (a) Designed to be cleaned frequently and made of sealed wood, linoleum, tile, plastic, or other solid surface materials;
- (b) Moisture resistant; and
- (c) Free of chips, cracks, and tears.

(b) An early learning provider must have at least 24 inches of moisture resistant and cleanable material, or barrier, around sinks, drinking fountains, 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 DOH'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:

- (a) Approved by the department prior to use;
- (b) Used by trained staff only;
- (c) Registered with the EPA and have Safety Data Sheets (SDS) available;
- (d) Used in accordance with the manufacturer's label, which must include:
 - (i) Directions for use;
 - (ii) A description of the safety precautions, procedures, and equipment that must be used for mixing the substitute product concentration, if applicable;
 - (iii) A description of the safety precautions and procedures if the substitute product contacts skin or is inhaled, if applicable; and
 - (iv) A description of the procedures and safety precautions for rinsing cleaned areas and cleaning equipment, if applicable.

(d) Labeled as safe to use on food surfaces if the product will be used to sanitize:

- (i) Food contact surfaces; or
 - (ii) Items such as eating utensils or toys used by the child or put into the child's mouth; and
- (e) Fragrance-free.

Weight #6

170-300-0241 – Consensus Reached
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 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 must be cleaned and sanitized after each use;
 - (c) Pacifiers must be cleaned and sanitized either:
 - (i) after each use; or,
 - (ii) may be reused by an individual child only if they have been rinsed off after each use and stored within a separate storage device or container that prevents contamination, and both must be cleaned and sanitized daily; and,
 - (iii) sanitizing must be done by washing and boiling the pacifier or washing the pacifier in the dishwasher.
 - (d) Appliances used to prepare food must be cleaned after each use and sanitized daily, or more often as needed;
 - (e) Refrigerators and freezers must be cleaned and sanitized monthly or more often as needed; and
 - (f) Toys must be cleaned and sanitized under the following conditions:
 - (i) Infant and toddler toys must be cleaned and sanitized at least daily or more often if needed
 - (ii) all other toys must be cleaned and sanitized weekly or as needed
 - (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.
 - (g) furniture and equipment cleaning monthly or as needed **Weight #6**
- (2) Machine washable clothes and toys must be laundered as needed. **Weight #4**
- (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 a child. **Weight #5**
- (4) Bedding must be:
 - (a) Laundered and sanitized weekly or more often as needed when assigned to a child.
 - (b) Laundered and sanitized after each use if used by more than one child. **Weight #5**
- (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. **Weight #5**

- (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. **Weight #6**
- (7) Diaper changing tables and changing pads must be cleaned and disinfected between children, even if using a non-absorbent covering that is discarded after each use. **Weight #7**
- (8) Diaper receptacles must be emptied, cleaned, and disinfected daily or more often as needed. Contents must be removed from the licensed space, and replaced with a new liner at least daily or more often if odor is present.:
- (a) Garbage cans and receptacles not intended for diapers must be emptied on a daily basis and cleaned and disinfected as needed. **Weight #6**
- (9) Floors must be:
- (a) Cleaned by either sweeping or vacuuming at least once per day or more often as needed; and
 - (b) moisture resistant flooring must be cleaned and sanitized at least once per day or more often as needed. **Weight #5**
- (10) 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 pre-approved by DEL.
 - (b) If caring for infants, a provider must either supply a safe and clean material over large rugs or carpet, or clean rugs or carpet if visible stains are present and at least once per month. **Weight #5**
- (11) Small area rugs must be shaken outdoors or vacuumed daily, and laundered as needed. **Weight #5**
- (12) Carpets or area rugs soiled with bodily fluids must be cleaned and disinfected with an EPA registered product or high-heat. Precautions must be used to limit exposure to blood and body fluids during cleanup. **Weight #6**
- (13) Children must not:
- (a) Be present when carpets are cleaned or vacuumed,
 - (i) unless spot vacuuming a spill and children are not within the immediate area; and
 - (ii) if using a vacuum to spot clean, it must have a HEPA filter
 - (b) Use or play on or near carpet areas until dry. **Weight #5**

170-300-0245- Consensus Reached
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. **Weight #4**

(2) Dirty or soiled laundry must be:

(a) Kept separate from clean laundry

(b) Cleaned with laundry soap or detergent;

(c) Rinsed; and

(i) Sanitized with bleach or a similar sanitizer registered by the EPA; or

(ii) Sanitized by using a "sanitize" setting on a washing machine setting that reaches at least 140 degrees Fahrenheit or dryer that has a specific sanitize setting.

Weight #6

(3) A dryer must be vented to outside of the building or following manufacturer's specifications. **Weight #5**

170-300-0250- Consensus Reached
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. For purposes of this section, a septic system is a "private septic system" if the septic system is not connected to a public sewer system maintained by a government agency. A "private septic system" includes, but is not limited to, the septic system's drain field and tanks.

Weight #6

(A) A private septic system must be inspected by a septic system inspector certified by the local health jurisdiction; and pumped as directed by the septic system inspector. **Weight #NA**

(B) The most recent private septic system pumping and inspection records must be kept on the premises and/or made available to the department upon request. **Weight #NA**

(c) If an early learning provider does not have the documentation described in subsection (b) of this section, 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. **Weight #NA**

(d) An early learning provider must provide notice to the department and local health jurisdiction if there is a problem, concern, or malfunction with a private septic system. **Weight #NA**

(e) If a private septic system problem, concern, or malfunction that interferes with the proper care of children and an approved alternative option is not available, the state, local health jurisdiction, or department may require an early learning program to close until the system is repaired, inspected, and approved by the local health jurisdiction and is operational. **Weight #NA**

(2) Pursuant to 170-300-0146 (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; and

(b) Be located or placed in a way that impacts private septic system's drain field or tanks as determined by local officials. **Weight #NA**

**170-300-0255- Negotiated, No Consensus: Tabled
Pest control.**

- (1) An early learning provider must take steps to prevent or control pest in or around the premises. **Weight #7**

- (2) Prevention 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.
 - (i)Keeping garbage cans covered except for those containing only paper;
 - (ii)Maintaining properly fitting screens in good condition for all exterior doors and windows when in use;
 - (iii)Properly sealing and storing food; and
 - (b)Inspection.** Indoor and outdoor areas in and around the premises must be inspected for evidence of pests. A provider must document the date and location if evidence is found.
 - (c)Identification.** Pests found on the premises 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 on the premises.

Weight #NA

- (3) A provider must have policies in place that use an Integrated Pest Management (IPM) program to reduce the risk of chemical exposure to children in care. IPMs must be an effective and environmentally sensitive approach to pest management that relies on a combination of common sense practices and applies pesticide as a last resort. IPMs must include prevention, inspection, identification and management. **Weight NA**

**170-300-0260- Consensus Reached 1-4; Subsection 5 in queue for
TA/Resolution
Storage of maintenance and janitorial supplies.**

(1) An early learning provider must ensure all poisonous or dangerous substances including, but not limited to fuels; solvents; oils; laundry, dishwasher, and other detergents; sanitizing products; and disinfectants 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. **Weight #7**

(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 shielded or shatter-resistant lighting;
- (e) 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
- (f) Be kept clean and sanitary. **Weight #7**

(3) A center early learning provider must have storage areas and rooms that contain chemicals, utility sinks, or wet mops must be ventilated to the outdoors or exterior window or mechanical ventilation to prevent the buildup of odors, fumes, or other hazards. **Weight #6**

(4) family home providers must store and maintain chemicals and wet mops to minimize buildup of odors, fumes, or other hazards. **Weight #6**

***Subsection 5 in queue for TA/Resolution**

(5) Maintenance and janitorial supplies and equipment must be stored in a manner that prevents access to a location that is inaccessible to children including, but not limited to: tools, saws, power tools, lawn mowers, mops, adult sized brooms, toilet plungers, toilet brushes, and vacuums. **Weight #7**

170-300-0265 – Consensus reached
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 more than six hours per day, or who show a need for rest. **Weight #5**
- (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.
Weight #4
- (3) An early learning provider must communicate a child's sleep needs and patterns with that child's parent or guardian. **Weight #4**
- (4) An early learning provider must not place children directly on the floor to rest or sleep. **Weight #5**
- (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. **Weight #5**
- (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. **Weight #5**
- (7) Floor mats designed for sleeping and mattresses must be at least one inch thick. **Weight #4**
- (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 18 30 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. **Weight #4**
- (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. **Weight #5**

(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. **Weight #6**

**170-300-0270 – Consensus Reached 1-4, 6; Subsection 5 tabled
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 the child consecutively sleeps for three or more hours at the program. **Weight #6**
- (2) If approved by the department to provide overnight care, an early learning provider must provide every child a 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. **Weight #5**
- (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;
 - (b) Be laundered weekly or more often if soiled. Bedding must be laundered daily if used by different children;
 - (c) Be stored separately from bedding used by another child, unless it is cleaned and sanitized after each use. **Weight #5**
- (4) An early learning provider must:
 - (a) Actively supervise children while they are awake, except where children demonstrate the need for privacy to change clothes and can safely do so;
 - (b) Maintain required staff-to-child ratios; and
 - (c) Have department approval prior to using night latches, deadbolts, or security chains. **Weight #6**

***Subsection (5) is tabled. The proposed language in Subsection (5) would include striking subsection (6).**

(5) An early learning provider must ensure all program staff providing care for children remain awake and in hearing range when supervising children, regardless if children are asleep or awake, unless a plan is approved by DEL, families, and provider. Safe sleep practices must be followed pursuant to 170-300-0291. **Weight #7**

(6) An early learning provider must remain in hearing range of children while they are asleep. **Weight #7**

170-300-0275 - Consensus Reached
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 newborn infants if the program has not previously done so. **Weight #6**

- (2) An early learning provider working directly with infants and toddlers must complete the department required Infant Safe Sleep training pursuant to WAC 170-300-0106(8). See references in 0290-0291. **Weight #NA**

- (3) An early learning provider must not use or allow the use of wheeled baby walkers. **Weight #7**

170-300-0280 – Consensus reached
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. **Weight #5**

- (2) A bottle preparation area including a sink must:
 - (a) Be located at least eight feet from any diaper changing tables or counters and sinks used for diaper changing; or
 - (b) 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; and
 - (iv) Extend at least 24 inches in height from the counter or changing surface.
 - (v) Solid without cracks, breaks or separation**Weight #6**

- (3) To prepare bottles, an early learning provider must:
 - (a) Clean bottles and nipples before each use using warm soapy water and a bottlebrush and sanitize by boiling in hot water for one minute, or pursuant to WAC 170-300-0198;
 - (b) Wash hands in a sink cleaned and sanitized prior to 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 a bottle warmer not to exceed temperatures warmer than 120 degrees Fahrenheit;
 - (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).**Weight #6**

170-300-0281 – Consensus reached
Breast milk.

When breast milk is provided for a child, an early learning provider must:

(1) Immediately store the breast milk in the appropriate way upon receipt; **Weight #7**

(2) Label the breast milk container with the child's first and last name and the date received; **Weight #6**

(3) Store frozen breast milk at 0 degrees Fahrenheit or less, and in a closed container to prevent contamination; **Weight #6**

(4) Keep frozen breast milk for no more than 30 days upon receipt and return any unused frozen breast milk to the parent after 30 days; **Weight #4**

(5) Frozen breast milk must be kept in the refrigerator at a temperature of 39* F for up to 24 hrs after thawed and not served after 24 hours. **Weight 6**

(a) If not used after 24 hours, label "do not use" and return to parent. **Weight #4**

(b) Return any unused (fresh, not been previously frozen) refrigerated bottles or containers of breast milk to the parent at the end of the child's day, or label "do not use". **Weight 4**

(6) Thaw frozen breast milk in the refrigerator, under warm running water, or in a container with warm water, or a bottle warmer that is no more than 120 degrees Fahrenheit; **Weight #6**

(7) Never thaw or heat breast milk in a microwave oven or on the stove; **Weight #7**

(8) Obtain parental consent prior to feeding infant formula to an otherwise breastfed infant. **Weight #6**

170-300-0285- Consensus reached; Subsection (2) (L) negotiated, no consensus- Tabled

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. **Weight # n/a**
- (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; **Weight 4**
 - (b) Feeding infants and toddlers when hungry according to their nutritional and developmental needs, unless medically indicated; **Weight #6**
 - (c) Serving only breast milk or infant formula to an infant, unless the child's health care provider offers a written order stating otherwise. **Weight #6**
 - (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. **Weight #6**
 - (e) Transitioning a child to a cup only when developmentally appropriate; **Weight #5**
 - (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 170-300-0190 or written medical approval; **Weight #5**
 - (g) Not adding food, medication, or sweeteners to the contents of a bottle unless a health care provider gives written consent; **Weight #6**
 - (h) Not serving 100% juice or any sweetened beverages (for example, juice drinks, sports drinks, or tea) to infants less than 12 months old, unless a health care provider gives written consent, and helping prevent tooth decay by only offering juice to children older than 12 months from a cup; **Weight # 5**
 - (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 ¼ inch or smaller to prevent choking; **Weight #6**
 - (j) Allowing older infants or toddlers to self-feed soft foods from developmentally appropriate eating equipment; **Weight 4**
 - (k) When 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 sitting with and able to 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.
- (v) Be in safe working condition pursuant to 170-300-0165. **Weight # 5**

(l) Not leaving infants or toddlers alone more than 15 minutes in high chairs waiting for meal or snack time, and removing a child as soon as possible once he or she finishes eating. **Weight 5**

- (m) Reasonably prevent infants or toddlers to share the same dish or utensil; **Weight 4**
- (n) Do not serve any uneaten food from the serving container after the intended meal; and **Weight 4**
- (o) Not serving food to infants or toddlers using polystyrene foam (Styrofoam) cups, bowls, or plates. **Weight #6**

170-300-0290- Consensus Reached
Infant and toddler sleep, rest, and equipment.

- (1) For infants, an early learning provider must provide 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. **Weight #6**
- (2) For toddlers, an early learning provider must provide and use a single level crib, playpen, toddler bed, or other developmentally appropriate sleep equipment. **Weight #6**
- (3) For Sleep equipment not covered in WAC 170-300-0265, the equipment must:
 - (a) Be of a design approved by CPSC or ASTM International safety standards for use by infants and toddlers; **Weight #7**
 - (i) For cribs, have a certificate of compliance, sticker, or documentation from the manufacturer or importer stating the crib meets 16 Code of Federal Regulations (C.F.R.) 1219 and 1220; **Weight 3**
 - (b) Have a clean, firm, and snug-fitting mattress designed specifically for the particular equipment. **Weight #7**
 - (c) Have a tight-fitted sheet that is designed for the sleep equipment. **Weight #7**
 - (d) 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.
 - (e) The sheet must be laundered at least weekly or more often, such as between uses by different children or if soiled;
 - (f) Cribs and playpens arranged side by side must be spaced at least 30 inches apart; and
 - (g) cribs and playpens placed end to end must have a moisture resistant and easily cleanable solid barrier if spaced closer than 30 inches. **Weight #5**
- (4) An early learning provider must immediately, if not putting another child at risk, remove sleeping children from car seats, swings, or similar equipment not designed for sleep. **Weight #7**
- (5) An early learning provider must Consult with a child's parent or guardian before the child is transitioned from infant sleeping equipment to other sleep equipment. **Weight: 5**
- (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 don't agree with transitioning, the provider and parent will create a transition plan. **Weight #7**

170-300-0291- Consensus reached on language; Weights tabled
Infant and toddler safe sleep practices.

- (1) An early learning provider must follow infant safe 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 by:
- (a) Actively supervising infants or toddlers by visibly checking often and being within sight and hearing range, including when an infant goes to sleep, is sleeping, or is waking up; **Weight #7 *Weight Tabled**
 - (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; **Weight #7 *Weight Tabled**
 - (c) Not using a sleep positioning device unless directed to do so by an infant's or toddler's health care provider. The directive must be in writing and kept in the infant's or toddler's file; **Weight #7 *Weight Tabled**
 - (d) Sufficiently lighting the room in which the infant or toddler is sleeping to observe skin color; **Weight #7 *Weight Tabled**
 - (e) Monitoring breathing patterns of an infant or toddler; **Weight #7 *Weight Tabled**
 - (f) Allowing infants and toddlers to follow their own sleep patterns; **Weight #6 *Weight Tabled**
 - (g) Not allowing blankets, stuffed toys, pillows, crib bumpers, or similar items inside an occupied crib, bassinet, or other equipment where infants commonly sleep; **Weight #8 *Weight Tabled**
 - (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; **Weight #8 *Weight Tabled**
 - (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; ***Weight Tabled**
 - (j) Visibly check on toddlers while sleeping and readjust blankets, bedding or clothing as needed and **Weight #8 *Weight Tabled**
 - (k) 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; and **Weight #7 *Weight Tabled**

- (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; 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 and toddlers.
- Weight #5 *Weight Tabled**

170-300-0295- Consensus Reached
Infant and toddler programs and activities.

- (1) An early learning provider must support each infant and toddler's culture, language, and family. **Weight #NA**

- (2) An early learning provider must ensure an adequate supply of age and developmentally appropriate program materials and equipment for infants and toddlers in the early learning program. Materials and equipment must meet individual, 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 (the American Society for Testing and Materials 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.**Weight #NA**

170-300-0296 – Consensus Reached
Infant and toddler development.

(1) An early learning provider must expose infants and toddlers to a developmentally appropriate curriculum. 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 supervised tummy time throughout the day when the infant is awake. As used in this section, tummy time means placing an infant in a nonrestrictive prone position, lying on his or her stomach when not in sleeping equipment;
 - (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 such as, but not limited to, materials and equipment that encourage:
 - (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 bouncers, swings or bopees.
 - (B) Spatial and numeracy understanding, for example counting toys, soft blocks and toys with different sizes (measuring cups, spoons, etc.), 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 non-verbal 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. **Weight #5**

INTERACTIONS AND CURRICULUM		
SECTION	TITLE	RESOLUTION
170-300-0300	Special Needs Accommodations	Consensus reached
170-300-0305	Curriculum Philosophy and planning	Consensus reached (1-3); Subsection 4- Negotiated, no consensus: Tabled
170-300-0310	Concept development and feedback quality	Consensus reached
170-300-0315	Language Modeling and reasoning	Consensus reached
170-300-0320	Facilitating child interests, learning, perspective, and productivity	Consensus reached
170-300-0325	Creating a climate for healthy child development	Consensus reached
170-300-0330	Positive relationships and child discipline	Consensus reached
170-300-0331	Prohibited behavior, discipline, and physical removal of children	Consensus Reached
170-300-0335	Physical restraint	In queue for consensus; to be reviewed with Section 0490
170-300-0340	Expulsion	In queue for consensus
170-300-0345	Supervising Children	Section sent to DEL Tech Writers for active supervision definition; Tabled
170-300-0350	Supervising children during water activities	Consensus Reached
170-300-0354	Indoor early learning program space capacity	Consensus Reached
170-300-0355	Family home capacity, ratio, and group size	Consensus Reached
170-300-0356	Center capacity, ratio, and group size	Sent to DEL Tech Writers
170-300-0357	Center mixed age groupings capacity, ratio, and group size	Sent to DEL Tech Writers
170-300-0360	Program and daily activity schedule	In queue for consensus

170-300-0300- Consensus Reached
Special needs plan.

(1) An early learning program must make reasonable accommodations to facilities, equipment, furniture, and activities to meet the individual special needs of enrolled children with impaired health or limited abilities, pursuant to the Washington Law Against Discrimination (chapter 49.60 RCW) and the ADA.

Weight NA

(2) An early learning provider shall develop an Individual Care Plan for each child with special needs, and shall notify the department when a child with special needs is enrolled in the early learning program or identified. Plans and documentation required under this section must:

- (a) Meet the requirements of this section;
- (b) Be kept in the child's file;
- (c) Be available for department review;
- (d) Have parent permission that a visiting health professional may provide services to the child at the early learning program, if applicable;
- (e) 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; and
- (f) Be updated annually or when there is a change in the child's special needs.

Weight #5

(3)(a) The Individual Care Plan must be signed by the parent or guardian, may be developed using a department provided template, and 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 medication 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 170-300-0186;
- (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 has 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.

Weight NA

(4) 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).

Weight NA

170-300-0305 – Consensus Reached 1-3, Subsection 4 tabled
Curriculum philosophy and planning.

- (1) An early learning provider must have and follow a written curriculum philosophy that describes the program of planned daily activities related to early childhood or child development. 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.

Weight #1
- (2) Staff must be trained on the program's curriculum philosophy. **Weight #NA**
- (3) 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 of WAC 170-300-0345 must be met. **Weight #1**
- (4) Curriculum and activity plans must be available for department review. **Weight #1**

170-300-0310- Consensus Reached
Concept development and feedback quality.

- (1) An early learning provider must facilitate activities to support child learning and understanding. **Weight #3**
- (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; **Weight NA**
 - (b) Helping children enter into and sustain play; **Weight NA**
 - (c) Encouraging children to participate by asking questions and providing guidance; **Weight NA**
 - (d) Providing opportunities for children's creativity; **Weight NA**
 - (e) Linking concepts and activities to one another and to the children's lives and interests; **Weight NA**
 - (f) Noticing and responding to teachable moments; **Weight NA**
 - (g) Clarifying and expanding children's understanding; **Weight NA**
 - (h) Describing and discussing children's learning processes; **Weight NA**
 - (i) Encouraging children's efforts and persistence; **Weight NA**
 - (j) Showing tolerance for mistakes; **Weight NA**
 - (k) Using diverse vocabulary; **Weight NA**
 - (l) Leading discussions and activities; and **Weight NA**
 - (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. **Weight NA**
 - (n) Use scaffolding methods to gradually move children toward stronger understanding and greater independence in the learning process; **Weight NA**

170-300-0315- Consensus Reached
Language modeling and reasoning.

- (1) An early learning provider must be aware of and responsive to children’s developmental, linguistic, cultural, and academic needs. **Weight #3**

- (2) An early learning provider can 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; and
 - (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 can 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 can 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.

Weight N/A

170-300-0320- Consensus Reached

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. **Weight #3**
- (a) An early learning provider may maximize children’s interests, engagement, and abilities by using techniques such as:
- (i) Maximizing learning time with learning materials and products, limiting disruptions during activities, and offering additional choices when activities are completed;
 - (ii) Giving clear instructions and directions; and
 - (iii) Making opportunities for children to learn during transitions by clearly communicating expectations and keeping transitions to a duration that is developmentally appropriate.
- (b) An early learning provider may offer developmentally and culturally responsive activities that offer a range of auditory, visual, and movement opportunities by using techniques such as:
- (i) Encourage child engagement;
 - (ii) Promote each child’s self-help and social skills;
 - (iii) Are organized around child interests and ideas;
 - (iv) Allow choice, exploration, and experimentation;
 - (v) Promote active and play-based learning experiences;
 - (vi) Allow children freedom to move during activities;
 - (vii) Ensure child expression;
 - (viii) Utilize interesting and creative materials;
 - (ix) Offer hands-on opportunities for children;
 - (x) Provide opportunity for children to direct their own learning and problem solving rather than teacher-directed activities; and
 - (xi) Orient and guide children toward learning objectives.

Weight #NA

170-300-0325- Consensus Reached
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 by: **Weight 6**
 - (a) Use a calm and respectful tone of voice;
 - (b) Use positive language to explain what children can do and give descriptive feedback;
 - (c) Have relaxed conversations with children by listening and responding to what they say. Adult conversations must not dominate the overall sound of the group;
 - (d) Greet children upon arrival and departure at the early learning program;
 - (e) Use facial expressions such as smiling, laughing, and enthusiasm to match a child's mood;
 - (f) Use 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) Validate children's feelings and show tolerance for mistakes;
 - (h) Be responsive and listen to children's requests and questions, encouraging children to share experiences, ideas, and feelings;
 - (i) Observe children in order to learn about their families, cultures, individual interests, ideas, questions, and theories;
 - (j) Model and teach emotional skills such as recognizing feelings, expressing them appropriately, accepting others' feelings, and controlling impulses to act out feelings;
 - (k) Represent 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) Interact with staff and other adults in a positive, respectful manner.
Weight #NA

- (2) An early learning provider must encourage positive interactions between and among children with techniques such as: **Weight 6**
 - (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
Weight #NA

170-300-0330- Consensus Reached
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. **Weight 6**

The guidance techniques may include:

- (a) Coaching appropriate 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. **Weight NA**

170-300-0331- Consensus Reached

Prohibited behavior, discipline, and physical removal of children.

- (1) An early learning provider must take steps to prevent and, once aware, 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, extended ignoring, or corrupting a child; or
 - (f) Prevent a child from or punish a child for exercising religious rights;
 - (g) Anyone to:
 - (i) Restrict a child’s breathing;
 - (ii) Bind or restrict a child’s movement unless permitted under WAC 170-300-0335;
 - (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.

Weight #8

- (2) An early learning provider must actively supervise to protect children from the harmful acts of other children, pursuant to WAC 170-300-0335. A provider

must intervene immediately when they become aware that a child or children are teasing, fighting, bullying, intimidating or becoming physically aggressive.

Weight #7

(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. During separation time, the child must remain under the direct supervision of a Licensee, Center Director, Assistant Director, Program Supervisor, Lead Teacher (or an appropriately trained staff member?). Separation time should be minimized, and appropriate to the needs of the individual child. **Weight #6**

(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.

Weight #5

(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 appropriately trained staff person may physically remove the child to a less stimulating environment. Staff must remain calm and use a calm voice when directing 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 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.

Weight #6

**170-300-0335- In queue for consensus; to be reviewed with Section 0490
Physical restraint.**

- (1) An early learning provider must have written physical restraint protocols pursuant to WAC 170-300-0490, and implement such protocols only when appropriate and after complying with all requirements of WAC 170-300-0330 and 0331. **Weight NA**
- (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;

- | |
|--|
| <ol style="list-style-type: none">(c) Developmentally appropriate; and(d) Only performed by early learning providers trained in a restraint technique pursuant to WAC 170-300-0106(10). |
|--|

- (c) Developmentally and culturally appropriate; and
- (d) Performed only by early learning providers trained in a restraint technique pursuant to WAC 170-300-0106(9).

Weight #7

- (3) No person may use bonds, ties, blankets, straps, car seats, high chairs, activity saucers, or heavy weights (including and adult sitting on a child) to physically restrain children. **Weight #NA**
- (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. **Weight #8**
- (5) If physical restraint is used, a Licensee, Center Director, Assistant Director, Program Supervisor, or Lead Teacher must:

- | |
|--|
| <ol style="list-style-type: none">(a) Report the use of physical restraint to the child's parent or guardian as soon as possible, but not later than the release of the child at the end of the day and to the department within 24 hours pursuant to WAC 170-300-0475 |
|--|

- (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; and
- (d) Develop a written safety plan with input from the child's primary care or mental health provider, parents or guardians, and a department licensor

to address underlying issues and reduce need for further physical restraint if:

- (i) Physical restraint has been used more than once; and
- (ii) A Safety Plan is not already a part of the child's Individual Care Plan.

Weight #7

**170-300-0340- In queue for consensus
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 170-300-0486. **Weight N/A**
- (2) An early learning provider may expel a child only if:
 - (a) The child exhibits persistent 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.

Weight #5

- (1) An early learning provider may only expel a child if he or she exhibits persistent behavior resulting in an environment where, due to that child's actions or other circumstances, the program is not able to meet that child's health or safety needs, or the health or safety needs of others.

Weight #5

- (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 the lead to expulsion;
 - (c) Provide information to the parent or guardian the child. This information must include, but is not limited to, community-based resources that may benefit the child; and
 - (d) Maintain a copy of the expulsion record in the child's file.

Weight #4

- (3) If a child is expelled, an early learning provider must:
 - (c) Share Review the program's expulsion policy again, pursuant to WAC 170-300-XXXX (cite WAC detailing this) with the parent or guardian of the expelled child;
 - (d) Maintain in the child's file and Provide a record to the parent or guardian about the expulsion and the steps that were taken to avoid expulsion;
 - (e) Provide information, including but not limited to, community-based resources that may benefit an expelled child to his or her parents or guardians

Weight #4

Refer the family to alternative services, assessments, or programs that may benefit the child if possible

- (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.
- Weight #3**

- (4) The Early Learning Provider must maintain a record of the expulsion and steps taken to avoid expulsion in the child's file. Provider must report to the Department when children are expelled. Reported information must include:
- a. Child demographic data, including but not limited to age, race, ethnicity, and gender
 - b. Reason for expulsion
 - c. Resources that were provided to parent or guardian of child
- Weight #3**

**170-300-0345- Section sent to DEL Tech Writers. Definition for “Active Supervision” to be included.
Supervising children.**

- (1) An early learning provider must not allow any person other than a child’s parent or guardian to have unsupervised access to a child in care- “Unsupervised access” has the same meaning here as in chapter 170-06 WAC. For the purposes of this section, individuals authorized and cleared to have unsupervised access include:
- (a) Providers authorized by the department in chapter 170-06 WAC;
 - (b) A government representative including emergency responders who has specific and verifiable authority for access supported by documentation; and
 - (c) A person authorized in writing or over the phone by a child’s parent such as a family member, family friend, or the child’s therapist or health care provider.

Weight #7

- (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.

Weight #7

***Prep Team Proposed language**

- (3) An early learning provider must actively supervise all children in care by:
- (a) Continually scanning the environment looking and listening for both verbal and nonverbal cues to anticipate problems and plan accordingly;
 - (b) Visibly checking on children often. For the purposes of this section, “often” means on many occasions with little time between them;
 - ~~(c) Moving around frequently to keep children in direct line of sight;~~
 - (d) Positioning him or herself to supervise all areas accessible to children;
 - (e) Attending to children and be aware of what children are doing at all times;
 - (f) Being available and able to promptly assist or redirect a child as necessary; and
 - (g) An early learning program staff member, ~~when not required to be actively supervising children,~~ may undertake other activities for a temporary time period. 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. This requirement does not apply to play in or near pools or water hazards.

Weight #8-#7

- (3) An early learning provider must actively supervise all children in care by:
- (a) Continually scanning the environment looking and listening for both verbal and nonverbal cues to anticipate problems and plan accordingly;
 - (b) Visibly checking on children often. For the purposes of this section, "often" means on many occasions with little time between them;
 - (c) Moving around frequently to keep children in direct line of sight;
 - (d) Positioning him or herself to supervise all areas accessible to children;
 - (e) Attending to children and be aware of what children are doing at all times;
 - (f) Being available and able to promptly assist or redirect a child as necessary; and
 - (g) An early learning program staff member, when not required to be actively supervising children, may undertake other activities for a temporary time period. 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. This requirement does not apply to play in or near pools or water hazards.

Weight #8

*Prep Team Proposed language

- (4) An early learning provider must:
- (a) Take attendance when children enter and exit a vehicle during transportation and field trips, assuring all children are accounted for;
 - (b) Not use devices such as a baby monitors, video monitors, or mirrors in place of direct supervision;
 - (c) Have a mechanism on exit doors ~~that lead to unlicensed space~~ that alerts providers when an exit door is opened such as a bell, alarm, or other device that can be heard throughout the licensed space, unless the door is secured or requires a code or similar access;
 - (d) 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 outdoor play area when the area is not immediately adjacent to the early learning program;
 - (v) Engage in planned activities in the kitchen; and
 - (vi) Ride on public transportation.
 - (e) Ensure no infant or child is left unattended during:
 - (i) Diapering;
 - (ii) Bottle feeding; or
 - (iii) Tummy time.
 - (f) Provide developmentally appropriate supervision to children while bathing.
 - (g) Consider 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.

Weight #7

170-300-0350- Consensus Reached
Supervising children during water activities.

- (1) During water activities, an early learning provider must meet all supervision requirements of this section and WAC 170-300-0345. **Weight NA**
“Water activities” refer to 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 in an early learning program.
- (2) A one-to-one (1:1) staff-to-child ratio must be met for infants and toddlers. Early learning program staff must:
 - (a) Hold or have continuous touch of infants, non-ambulatory toddlers, and children with special needs as required; and
 - (b) Keep toddlers within arm’s length. **Weight #8**
- (3) An early learning provider must have written permission for water activities from each child’s parent or guardian. **Weight #7**
- (4) For water activities on or off the early learning program premises, where the water is more than 24 inches deep, an early learning provider must ensure:
 - (a) A certified lifeguard is present and on duty; and
 - (b) At least one more staff member than regularly required for the staff-to-child ratio is present to help supervise children preschool age and older;
Weight #8
- (5) If a pool is 6 feet or more in width, length, or diameter and 2 feet or more in depth, an early learning provider must provide a ring buoy and rope, a rescue tube, or a throwing line and a shepherd’s hook that will not conduct electricity. The life-saving equipment must be readily accessible and long enough to reach the center of the pool from the edge. **Weight #8**
- (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.
Weight #8

170-300-0354- Consensus Reached

Indoor early learning program space capacity.

- (1) To define capacity, licensed indoor early learning program space must have a minimum of 35 square feet per child in attendance and further comply with the requirements of this chapter. **Weight #4**
 - (a) Center early learning program space must provide 15 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. **Weight #1**
 - (b) Floor space under tables, desks, chairs, and other equipment used as part of children's activities must be included in the overall capacity. **Weight NA**
 - (c) Office or kitchen space that is inaccessible to children and not intended for their use must not be included in the overall capacity. **Weight NA**
 - (d) An early learning provider may use the napping area as early learning program space if staff removes mats and cots when not in use and children have free access to the area. **Weight NA**

- (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 24 inches surrounding diaper changing areas and handwashing sink, unless the diaper changing area has a two-foot-high barrier [as applicable]);
 - (d) Laundry areas;
 - (e) Closets;
 - (f) Stairways; and
 - (g) Floor space occupied by shelves or permanent built-in cabinets that are not intended to be accessible to children, or early learning program staff equipment including, but not limited to, file cabinets, desks, and other office equipment.

Weight NA

- (3) A large, licensed, indoor gross motor activity space can be used to meet the requirements of outdoor place space (WAC 170-300-0145) but not counted in the overall capacity if:
 - (a) The space provides 75 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.

Weight NA

170-300-0355- Consensus Reached
Family home capacity, ratio, and group size.

(1) The department issues initial or non-expiring 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. The department may issue a license to care for fewer than the maximum allowable enrolled children. For each Family Home Licensee, 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.

Weight NA

(2) A Family Home Licensee must not exceed the total capacity or enroll children outside the age range stated on their license at any time. All children in care, on the premises, at offsite activities, or being transported by the early learning provider, staff, or household members are counted towards total capacity.

- (a) A Family Home Licensee may care for a child with special needs who is older than the maximum age identified on the license with department approval, pursuant to WAC 170-300-0300. A child with documented special needs may be in care up to age 19 and must be counted in capacity and staff-to-child ratio.
- (b) If a child with special needs requires individualized supervision, pursuant to the documentation in WAC 170-300-0300, Section 4 (IEP, IHP, 504, or IFSP), to a support person providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care.

Weight #7

(3) 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.

Weight #6

(4) 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. **Weight NA**

(5) A Family Home Licensee must provide additional staff pursuant to WAC 170-300-0350 when children are participating in water activities or activities near water. **Weight NA**

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;
- (c) A provider's education and on-going training;

- (d) The age range requested and/or approved by the department;
- (e) The amount of developmentally appropriate equipment, materials, and toys a provider 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.

Weight NA

(6) When applying for an initial or non-expiring 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 maximum of three children may be under two years of age (one child must be able to walk independently). Experience is defined as a Center Director, Program Supervisor, Lead Teacher, a Family Home Licensee, or another similar role in a licensed child care setting. **Weight NA**

(7) When applying for an initial or non-expiring 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.

Weight NA

(8) When applying for an initial or non-expiring 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 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.

Weight NA

(9) 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; and
- (c) More than ten children are in care.

Weight #7

Family Home capacity, ratio and group size table

Staff and licensee minimum requirements	Staff-to-child ratio	Age range	Limitations by age group	Maximum Capacity
Licensee working alone	1:6	Birth through 12 years	3 Under 2 years of age (One must be walking independently)	6
Less than 1 year of experience				
Licensee working alone	1:8	2 years through 12 years	4 Under 3 years of age	8
At least 1 year of experience				
Licensee working with another staff person (2 staff total)	2:9	Birth through 12 years	4 Under 2 years of age	9
Licensee has at least 1 year of experience				
Licensee working alone	1:10	3 years through 12 years		10
At least 2 years of experience				
Licensee working with another staff person (2 staff total)	2:12	Birth through 12 years	6 Under 2 years of age (Two must be walking independently)	12
Licensee has 2 or more years of experience				

170-300-0356- Sent to DEL Tech Writers
Center capacity, ratio, and group size.

- (1) The department issues initial or non-expiring 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 capacity for each space within the center licensed for use by children; and
 - (c) The age range of children allowed in care.

Weight NA
- (2) The department determines capacity for a center after considering:
 - (a) The square footage of the center early learning program;
 - (b) A center provider's education and on-going training;
 - (c) The age range of children requested or approved by the department;
 - (d) The amount of developmentally appropriate equipment, materials, and toys a center early learning program can provide children to use;
 - (e) A center provider's licensing history with the department; and
 - (f) The number of qualified staff available to meet staff-to-child ratios.

Weight NA
- (3) A Center Licensee must not exceed the total capacity or age range stated on the child care license at any time. 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 170-300-0300, 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) If an individual child with special needs requires individualized supervision at a center, a staff member providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care. **Weight #6**
- (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. **Weight NA**
- (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 11 months of age) with a:

- (i) Maximum group size of 8 with a ratio of 1 staff to 4 children (1:4);
- (ii) Maximum group size of 9 with a ratio of 1:3;
- (b) Toddlers (12 through 29 months of age) with a:
 - (i) Maximum group size of 14 with a ratio of 1:7;
 - (ii) Maximum group size of 15 with a ratio of 1:5; and
- (c) Preschoolers (30 months through 6 years of age who are not attending kindergarten or elementary school) with a maximum group size of 20 with a ratio of 1:10,
- (d) School-age children (5 years through 12 years of age who are enrolled in or attending kindergarten or elementary school) with a maximum group size of 30 with a ratio of 1:15; or
- (e) compliant with the variance process described in [cite reference]

Weight #7

(6) 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. An early learning provider may combine children of different age groups, provided the provider maintains the staff-to-child ratio and group size designated for the youngest child in the mixed group. **Weight #3**

(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. An early learning provider may combine children of different age groups for periods of no more than one hour at the beginning and end of the day provided the provider maintains the staff-to-child ratio and group size designated for the youngest child in the mixed group. **Weight #3**

(8) A center early learning provider must conduct activities for each group of children in a specific room or other defined space within a larger area.

Weight #3

(9) A Center Licensee must provide additional staff as described in WAC 170-300-0350 when children are participating in water activities or activities near water.

Weight NA

(9) When only one center staff is required to care for a group of children, the Center Licensee must ensure:

- (a) That staff member provides active 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 qualified staff member is on site and readily available to respond if needed.

Weight #7

Center capacity, ratio and group size table

Age group of enrolled children	Maximum group size	Maximum staff-to-child ratio
Infants (0 - 11 months)	8	1:4
Infants (0 - 11 months)	9	1:3
Toddlers (12 - 29 months)	14	1:7
Toddlers (12 - 29 months)	15	1:5
Preschoolers (30 months - 5 years)	20	1:10
School-age children (5 - 12 years, attending kindergarten or elementary school)	30	1:15

170-300-0357- Sent to DEL Tech Writers

Center mixed age grouping capacity, ratio, and group size.

- (1) A center early learning program may have mixed age grouping. Before mixing age groups, an early learning program must:
- (a) Inform parents about the center's policy regarding mixed age grouping and when children may be in a mixed age group;
 - (b) Meet the square footage requirements for the youngest child in the group;
 - (c) Meet the developmental, health, and safety needs of all ages in the mixed group;
 - (d) meet the ratio requirements for the youngest child in the group; and
 - (e) inform the Department of the policy

Weight #6

- (2) Center early learning programs may have mixed age grouping for children between the ages of birth to 36 months with a maximum group size of 8 when:
- (a) There are two staff present with the group, consisting of a Lead Teacher and another staff who meets the qualifications to be counted in ratio;
 - (b) The ratio is 1:4; and
 - (c) Only two children are not walking independently. **Weight #5**

- (3) Center early learning programs may have mixed age grouping for children between the ages of birth to 36 months with a maximum group size of 9 children when:

- (a) There are three staff present with the group, consisting of one Lead Teacher and two other staff who meet the qualifications to be counted in ratio;
- (b) The ratio is 1:3; and
- (c) Only three children are not walking independently. **Weight #5**

- (4) Center early learning programs may have mixed age grouping for children between the ages of 36 and 72 months with a maximum group size of 20 children when:
- (a) There are two staff present with the group, consisting of one Lead Teacher and another staff who meets the qualifications to be counted in ratio;
 - (b) The ratio is 1:10.

Weight #5

- (5) Center early learning programs may have mixed age grouping for children between the ages of 36 and 72 months with a maximum group size of 26 children when:
- (a) There are three staff present with the group, consisting of one Lead Teacher and two staff who meet the qualifications to be counted in ratio;
 - (b) The ratio is 1:10.

Weight #5

Center mixed age grouping capacity, ratio and group size table

Age group	Maximum group size	Maximum ratio	Capacity
0-36 months old	8	1:4	Maximum 2 children not walking independently
0-36 months old	9	1:3	Maximum 3 children not walking independently
36-72 months old	20	1:10	
36-72 months old	26	1:10	

170-300-0360- In queue for Consensus Program and daily activity schedule.

Age group

- (1) An early learning provider must have an established program and daily activity schedule that is familiar to children and available for department review. **Weight #1**

- (2) A schedule must be designed to meet enrolled children’s developmental, cultural, individual, and special needs. The daily activity 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 170-300-0150;
 - (c) Include general timelines for activities that meeting the following requirements:
 - (i) Full-day programs must provide children daily morning and afternoon active outdoor play time not less than 60 minutes daily for all children, or as tolerated by infants
 - (ii) Part-day programs must provide children daily morning or afternoon active outdoor play time not less than:
 - (A) 20 minutes for each 3 hours of programming for infants (as tolerated) and toddlers; and
 - (B) 30 minutes for each 3 hours of programming for children preschool age and older;
 - (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.

Weight #3

PROGRAM ADMINISTRATION AND OVERSIGHT		
SECTION	TITLE	RESOLUTION
170-300-0400	Application Materials	Consensus Reached
170-300-0401	Application Fees	Consensus Reached
170-300-0402	Changing early learning program space or location	Consensus Reached
170-300-0405	Background check fees	Consensus Reached to Eliminate
170-300-0410	License and program location	Consensus Reached (1-4, 6); Subsection (5) in queue for consensus
170-300-0415	Zoning, codes, and ordinances	Consensus Reached
170-300-0420	Prohibited substances	In queue for consensus
170-300-0425	Initial, non-expiring, dual licenses, and license modifications	Consensus Reached
170-300-0430	Subsidy requirements	Consensus Reached
170-300- 0435	Waiver from department rules	Consensus Reached (1-4); Subsection 5 sent to DEL Tech writers
170-300-0436	Variance from department rules	Consensus Reached (1-4); Subsections 5 sent to DEL Tech writers
170-300-0440	Facility licensing compliance agreements, no referral status, probationary license, and provider rights	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
170-300-0450	Parent or guardian handbook	Consensus Reached
170-300-0455	Attendance records	Consensus Reached
170-300-0460	Child records	Consensus Reached
170-300-0465	Retaining facility and program records	Consensus Reached (1-3); Subsection 4 in queue for consensus
170-300-0470	Emergency preparedness plan	Language reached consensus/weights tabled on: 1, 2, 4 Consensus reached on intent /tabled weight on: 3 Language and weights reached consensus: 5
170-300-0475	Duty to protect children and report incidents	Consensus Reached
170-300-0480	Transportation and off-site activity policy	Consensus Reached
170-300-0485	Termination of services policy	Consensus reached Subsection 1; Subsection 2 in queue for consensus
170-300-0486	Expulsion Policy	New section from DEL proposed

		December 2017; In queue for consensus
170-300-0490	Child restraint policy	In queue to be reviewed with Section 0335
170-300-0495	Consistent care policy	Consensus Reached
170-300-0500	Health policy	Consensus Reached
170-300-0505	Postings	Consensus Reached

170-300-0400 – Consensus Reached
Application materials.

(1) After completing a department orientation, an applicant must submit a complete license application packet, pursuant to chapter 43.215 RCW. This requirement also applies to a change of ownership. A complete license application packet includes:

- (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 12 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. **Weight #N/A**
- (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) An on-site septic system inspection report within three years of license application, if applicable;
 - (iv) Well water coliform and nitrate testing results within three years of license application, if applicable;
 - (v) A lead or arsenic evaluation agreement, only for sites located in the Tacoma smelter plume (counties of King, Pierce, and Thurston); and
 - (vi) Lead and copper test results for drinking water. **Weight # N/A**
- (c) Program days and hours of operation, including closure dates and holiday observances; **Weight # N/A**
- (d) Information about early learning program staff:
 - (i) List of applicant, and household members, and if applicable and known, staff person and volunteers, required to complete the background check process as outlined in chapter 170-06 WAC;
 - (ii) Resume for applicant, Center Director, Assistant Director, Program Supervisor, or Family Home Lead Teacher, if applicable; and

(iii) Three letters of professional reference for Applicant, Director, Assistant Director, Program Supervisor, or Family Home Lead Teacher, if applicable. **Weight # N/A**

(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;
- (d) Health policies; and
- (e) A plan to prevent exposure to blood and body fluids. **Weight # N/A**

(3) An applicant must submit the completed application packet at least 90 calendar days prior to the planned opening of the early learning program. The department will inspect the early learning program space and approve all application submissions required in this chapter prior to issuing a license.

- (a) The 90 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 90 calendar days may withdraw the application and reapply when the applicant is able to meet the licensing requirements. If the applicant has completed all steps to complete the application within 90 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 43.215.300. **Weight # N/A**

170-300-0401- Consensus Reached
License fees.

- (1) The rules establishing licensing fees within this chapter are adopted pursuant to RCW 43.215.255. **Weight NA**
- (2) The license fee is nonrefundable and is due:
 - (a) With the early learning applicant's initial license application packet; and
 - (b) Annually thereafter, 30 calendar days prior to the anniversary date of the license. **Weight #1**
- (3) Payment must be in the form of a check, credit or debit card, or money order. **Weight NA**
- (4) The annual fee for family home early learning programs is thirty dollars, or as otherwise set by the legislature. **Weight NA**
- (5) The annual fee for center early learning programs is one hundred twenty-five dollars for the first twelve children plus twelve dollars for each additional child, or as otherwise set by the legislature. **Weight NA**

170-300-0402- Consensus Reached
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, and welfare of enrolled children. Such changes include, but are not limited to:

- (a) Moving child care or early learning programs to a different residence, building, or facility, even if it is located on the same premises;
- (b) A center early learning program altering planned use of space including, but not limited to the ages of children served in a room.;
- (c) Making facility modifications such as remodeling or renovating early learning program space that requires a permit under the Washington state building code or by a local jurisdiction.
- (d) An early learning provider must submit to the department a proposed floor plan prior to making a significant change; or
- (e) Changing outdoor play areas such as adding or altering the type of surface or altering stationary climbing or play equipment. **Weight #5**

(2) An early learning provider planning a significant change under subsection (1)(a) of this section must:

- (a) Submit a complete application, pursuant to WAC 170-300-0400, as soon as the provider plans to move and has an identified address, but not more than 90 calendar days before moving;
- (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 43.215.260; and
- (c) Not operate a family home early learning program for more than two weeks following the move without first having the department inspect the new location, pursuant to RCW 43.215.260. **Weight #6**

**170-300-0405- Consensus Reached on Eliminating this Section
Background check fees.**

**170-300-0410- Consensus Reached (1-4, 6); Subsection 5 in queue for consensus
License and program location.**

- (1) An applicant for a license under this chapter must be at least 18 years old.
Weight #NA
- (2) A licensee refers to the individual or organization:
- (a) Whose name appears on a license issued by the department; **weight NA**
 - (b) Responsible for complying with the standards in this chapter, chapter 43.215 RCW including but not limited to liability insurance requirements pursuant to 43.215.535, chapter 170-06 WAC (DEL background check rules) and other applicable laws or rules; and **Weight NA**
 - (c) Responsible for training early learning program staff on the Foundational Quality Standards in this chapter. **Weight NA**
 - (d) A family home licensee must reside on the early learning program premises, pursuant to RCW. **Weight 6**
- (3) Early learning program space must be located:
- (a) On a site free from known environmental hazards; **Weight: 6**
 - (b) In an area where non-emergency services and utilities can serve the early learning program space; and
 - (c) In an area served by emergency fire, medical, and police during the hours the early learning provider provides care to children.
Weight NA
- (4) An early learning provider must prevent child exposure 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.
Weight #8

***Subsection 5 in queue for Consensus**

(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. **Weight #5**

~~(5) An early learning provider must place address numbers on the outside of the house or building containing the early learning program space, and the numbers must be legible and plainly visible from the street or road serving the premises.
Weight #5~~

(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. **Weight #NA**

170-300-0415- Consensus Reached
Zoning, codes, and ordinances.

- (1) The department adopts and incorporates the Washington state building code (chapter 19.27 RCW) as now and hereafter amended. Prior to licensing, early program space must comply with the Washington state building code or local building code as currently enacted. For facility modifications that require a permit, refer to WAC 170-300-0402. **Weight N/A**
- (2) An early learning provider shall maintain the structural environment pursuant to RCW 43.215.308 **Weight #6**
- (3) Prior to licensing, an applicant must contact state, city, and local agencies that may regulate the early learning program. An early learning provider must obtain regulations and comply with direction given by such agencies. These agencies may include but are not limited to Labor and Industries, the State Fire Marshal, a local health jurisdiction, or DOH. **Weight NA**
- (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

Weight #NA

**170-300-0420- In queue for consensus
Prohibited substances.**

- (1) Chapter [70.160](#) RCW prohibits smoking in public places and places of employment. **Weight NA**
- (2) Pursuant to RCW [70.160.050](#), an early learning provider must:
 - (a) Prohibit smoking in licensed indoor space, even during non-business hours; **Weight #7**
 - (b) Prohibit smoking in licensed outdoor space unless:
 - (i) Smoking occurs during non-business hours; or
 - (ii) In an area for smoking tobacco products that is not a “public place” or “place of employment,” as defined in RCW [70.160.020](#); **Weight #7**
 - (c) Prohibit smoking in motor vehicles used to transport enrolled children during business hours; **Weight #7**
 - (d) Prohibit smoking by any provider who is supervising children, including during field trips; **Weight #7**
 - (e) Prohibit smoking within twenty-five feet from entrances, exits, operable windows, and vents, pursuant to RCW [70.160.075](#); **Weight #5** and
 - (f) Post “no smoking” signs. Signs must be clearly visible and located at each building entrance used as part of the early learning program. **Weight #5**
- (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 misused prescription drugs.
 - (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). **Weight #7**
- (4) A center early learning provider must prohibit any person from consuming cannabis in any form or being under the influence of cannabis on licensed space. **Weight #7**
- (5) A family home early learning provider must prohibit any person from consuming smokeless cannabis products in licensed space during business hours. **Weight #7**

170-300-0425- Consensus Reached
Initial, non-expiring, dual licenses, and license modification.

- (1) The department may issue an initial license when an early learning program applicant demonstrates compliance with health and safety requirements of this chapter but may not be in full compliance with all requirements, pursuant to RCW 43.215.280.
 - (a) An initial license is valid for six months from the date issued.
 - (b) At the department's discretion, an initial license may be extended for up to three additional six-month periods, not to exceed a total of two years.
 - (c) The department must evaluate the early learning provider's ability to follow requirements contained in this chapter during the initial license period. **Weight NA**

- (2) The department may issue a non-expiring license to a Licensee operating under an initial license who, pursuant to RCW 43.215.260:
 - (a) Demonstrates full compliance with the requirements of this chapter at any time during the period of initial licensure. **Weight NA**

- (3) The department may continue a non-expiring license when a Licensee submits annual compliance documents at least 30 calendar days prior to the anniversary date. The anniversary date is the date the first initial license was issued, pursuant to RCW 43.215.260. The required annual compliance documents are:
 - (a) The annual nonrefundable license fee;
 - (b) A declaration on the department's form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) indicating:
 - (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; or
 - (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 43.215.215(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 30 calendar days prior to the anniversary date. **Weight NA**

- (4) If a Licensee fails to meet the requirements for continuing a non-expiring license by their anniversary date, the Licensee's current license expires. The early learning provider must submit a new application for licensure, pursuant to RCW 43.215.260(3). **Weight NA**

- (5) Nothing about the non-expiring license process in this section may interfere with the department's established monitoring practices, pursuant

to RCW 43.215.260(4)(a). **Weight NA**

(6) A Licensee has no right to an adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or non-continuation of a non-expiring license resulting from a failure to comply with the requirements of this section.

Weight NA

(7) A Licensee must have department approval to hold dual licenses such as a department-issued early learning program license and another care giving license, certification, or similar authorization. **Weight #6**

(a) If the department determines that a Licensee is not meeting all applicable requirements and regulations, pursuant to RCW 43.215.300:

(i) The department and Licensee may agree to modify the child care license;

(ii) The Licensee may give up one of the licenses, certifications, or authorizations; or

(iii) The department may suspend, deny, or revoke the early learning license. **Weight NA**

(8) An early learning provider must report to the department and local authorities the following within 24 hours

a. A fire or other structural damages to the early learning program space or other parts of the premises;

b. A retirement, termination, death, incapacity, or change of the Program Director, or Program Supervisor, or change of ownership or incorporation of a provider;

c. When a provider becomes aware of a charge or conviction against themselves, a staff person or, applicable household member, pursuant to WAC 170-06-0043;

d. When a provider becomes aware of an allegation or finding of abuse, neglect, maltreatment, or exploitation of a child or vulnerable adult made against themselves, a staff person, or a household member, if applicable; and

Weight #7

e. A change in the number of household members living within a family home early learning program space. This includes individuals 14 years old or older that move in or out of the home, or a resignation or termination pursuant to RCW 43.215.371. A birth or death affecting the number of household members must be reported within 24 hours or at first opportunity;

f. Any changes in the early learning program hours of operation to include closure dates.

Weight #3

(9) 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 DEL. **Weight #5**

(10) 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 170-300-0402(1)(a) through (c), if applicable. **Weight #na**

- (11) Licensee, Center Director, Assistant Director, or Program Supervisor must notify the department within 30 calendar days when liability insurance coverage under RCW 43.215.535 has lapsed or been terminated. **Weight #4**

170-300-0430 -Consensus Reached
Subsidy requirements.

An early learning provider or program that receives child care subsidy payments under the Working Connections Child Care or seasonal programs must:

- (1) Be licensed, certified, or contracted by the department; and **Weight #NA**
- (2) Follow all requirements and timeframes of WAC 170-290-0125. **Weight #3**

170-300-0435- Consensus Reached; Subsection (5) sent to DEL Tech Writers

Waiver from department rules (WAC).

- (1) The department cannot waive a requirement of state (RCW) or federal law.
Weight NA
- (2) Pursuant to RCW 43.215.070, 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. **Weight NA**
- (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 (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) to the local licensing office;
 - (b) Approved by the department prior to the provider following the waiver from the rule;
 - (c) For a specific program need or child;
 - (d) Posted for parent or guardian and public view when a requested waiver is related to the overall program (not specific to any child); and
 - (e) Continually posted as long as the waiver is approved. **Weight #1**
- (4) Waivers from the rule may be time specific. If time specific, the early learning provider's action on the waiver must not exceed the timeframe established by the department. **Weight #NA**

***DEL Tech Writers to Update Subsection (5)**

- (5) The department's disapproval of a request for a waiver from the rules is not subject to appeal under chapter 170-03 WAC (DEL hearing rules).
Weight NA

170-300-0436- Consensus Reached (1-4); Subsection 5 sent to DEL Tech Writers

Variance from department rules (WAC).

- (1) The department cannot provide variance from a requirement in state (RCW) or federal law. **Weight NA**
- (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. **Weight NA**
- (3) A request for variance from a rule in this chapter must be:
 - (a) Submitted in writing to the local licensing office using a department form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>);
 - (b) Approved by the department director or the director's designee prior to the early learning provider implementing the variance from the rule;
 - (c) For a specific program approach or methodology; and
 - (d) Posted for public view and filed, if approved.

Weight #1

- (4) A granted variance may be time limited or may remain in effect for as long as the early learning provider continues to comply with the conditions of the variance. If the variance from the rule is time limited, the provider must not exceed the timeframe established by the department. **Weight #NA**

***DEL Tech Writers to Update Subsections (5)**

- (5) The department's disapproval of a request for a variance from the rules is not subject to appeal under chapter 170-03 WAC (DEL hearing rules). **Weight NA**

170-300-0440- Consensus Reached
Facility Licensing Compliance Agreements, no referral status, probationary license, and provider rights.

- (1) At the department's discretion, when an early learning provider is in violation of this chapter or chapter [43.215](#) 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 within the previous three years the early learning program has violated rules in this chapter or under chapter [43.215](#) RCW.
 - (d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date.
 - (e) The signature of the department licensor and the provider.

Weight NA

- (2) An early learning provider must return a copy of the completed FLCA to the department after corrective action has been completed and by the date indicated. **Weight #1**
- (3) An early learning provider may request a supervisory review regarding the violation of laws or rules within ten business days of delivery of the FLCA, or after a DEL-approved extension. **Weight NA**
- (4) A FLCA is not subject to appeal under chapter [170-03](#) WAC (DEL hearing rules). **Weight NA**
- (5) An early learning program or provider has the right to:
- (a) Refuse to accept or sign a FLCA.
 - (b) Refuse to agree to a probationary license. **Weight NA**
- (6) If an early learning provider refuses a FLCA or probationary license, this may result in one of the following enforcement actions:
- (a) Modification of the license;
 - (b) Non-continuation of a non-expiring license;
 - (c) Suspension of the license;
 - (d) Revocation of the license; or
 - (e) Civil penalties. **Weight NA**
- (7) The department may place an early learning provider on no referral status, pursuant to RCW [43.215.300\(4\)](#), in addition to or in lieu of an enforcement action under this chapter. **Weight NA**

(8) A probationary license may be issued to an early learning provider or program operating under a non-expiring license as part of a corrective action plan. Prior to issuing a probationary license, the department must refer the program or provider for technical assistance, pursuant to RCW 43.215.290(2). **Weight NA**

(9) A department decision to issue a probationary license is based on an early learning program or providers':
(a) Negligent or intentional noncompliance with the licensing rules;
(b) History of noncompliance with licensing rules;
(c) Current noncompliance with licensing rules.

Weight NA

(10) When the department issues a probationary license, the early learning provider must:
(a) Provide notice of the probationary license and a copy of the department's probationary licensing agreement to the parents and guardians of enrolled children within five business days of receiving the probationary license;
(b) Provide documentation to the department that parents or guardians of enrolled children have been notified within ten business days of receiving the probationary license;
(c) Inform new parents or guardians of the probationary status before enrolling new children into care;
(d) Post documentation of the approved written probationary license as required by RCW 43.215.525; and
(e) Return the early learning program's non-expiring license to the department. **Weight #1**

170-300-0441 – Consensus Reached
Department action scoring approach.

(1) The department calculates and scores an early learning provider's compliance with this chapter using weights assigned to rules of this chapter. Weights range from a low of one point to a high of eight points. Higher weights correspond to a higher potential risk or danger and the higher likelihood a child in the early learning setting may be harmed either directly or indirectly if the rule is not complied with.

Weight NA

(2) The department takes compliance actions or enforcement actions based on single visit scores and overall licensing scores, pursuant to WAC 170-300-0442 and 0443. Compliance actions and enforcement actions may be taken separately or together. **Weight NA**

(3) The department uses a two-step scoring approach to determine when to assess compliance actions or enforcement actions depending on the weight and number of times a rule is violated. The department shall take compliance actions or enforcement actions against an early learning provider based on a provider's single finding scores (step one) or overall licensing score (step two). **Weight NA**

(4) An early learning provider's single finding score is determined during a site visit using the individual weights assigned to rules a provider fails to comply with.

(a) Rules that a provider fails to comply with and the corresponding weights of those rules are recorded on a Facility Licensing Compliance Agreement (FLCA) and are transferred to the department's electronic database.

b Rules that carry a weight of one or two points do not result in compliance or enforcement actions under a single finding score but do contribute to a provider's overall licensing score. **Weight NA**

(5) An overall licensing score represents an early learning provider's record of compliance with this chapter over the previous 36 months. The weights recorded on FLCAs within the previous three calendar years are recorded in the department's electronic database. Overall licensing scores range from a low of zero points to a high of 151 points or more (151+). The overall licensing score is the sum of:

(a) A provider's most recent monitoring visit score;

(b) All single finding scores from licensing visits in the previous 12 months;
and

(c) One half the value of:

(i) The two monitoring visit scores prior to that in subsection (a) of this section; and

(ii) All single finding scores from 24 months prior to those in subsection (b) of this section.

Weight NA

170-300-0442 – Consensus Reached Compliance and enforcement actions.

(1) An early learning provider's single finding score is determined pursuant to 170-300-0441(4). The department takes compliance actions or enforcement actions based on the risk value or "weight" of a rule and the number of times a provider fails to comply with a rule. Compliance and enforcement actions are taken pursuant to the scoring system described in this chapter or pursuant to RCW 43.215.040, .070, and .200. If a provider fails to comply with a rule with a risk value (or weight) of:

(a) **Extremely Low Risk (3 points):** The department shall provide technical assistance during the site visit.

(b) **Low Risk (4 points):** The department shall provide technical assistance during the site visit. The department shall also assess a civil monetary penalty (fine) if the provider had four or more previous violations of the same rule during the previous 36 months.

(ii) Additional fines may be assessed each additional time beyond four that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to DEL staff conduct has been taken to come into compliance with that rule.

(i) The fine shall be fifty dollars (\$ 50) per violation per day for a center early learning provider, or fifty dollars (\$50) per violation per day for a family home early learning provider.

(c) **Medium Low Risk (5 points):** The department shall provide technical assistance during the site visit. The department shall also assess a fine if during the site visit the DEL staff finds that the provider violated the same rule three or more times within the previous 36 months.

(ii) Additional fines may be assessed each additional time beyond three that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to a DEL staff the provider is compliant with that rule.

(i) The fine shall be seventy-five dollars (\$ 75) per violation per day for a center early learning provider, or seventy-five dollars (\$75) per violation per day for a family home early learning provider.

(d) **Medium High Risk (6 points):** The department shall provide technical assistance during the site visit and may require the provider to develop a safety plan. The department shall also assess a fine if during the site visit the DEL staff finds that the provider violated the same rule two or more times within the previous 36 months.

(ii) Additional fines may be assessed each additional time beyond two that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to DEL staff the provider is compliant with that rule.

(i) The fine shall be one hundred dollars (\$ 100) per violation per day for a center early learning provider or one hundred dollars (\$100) per violation per day for a family home early learning provider.

(e) **High Risk (7 points):** The department shall provide technical assistance during the site visit and may place the provider on a probationary license, or modify or suspend the provider’s license. The department shall also assess a fine if during the site visit DEL staff finds that the provider violated the same rule one or more times within the previous 36 months.

(ii) Additional fines may be assessed each additional time that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to DEL staff the provider is compliant with that rule.

(i) The fine shall be one hundred fifty dollars (\$ 150) per violation per day for a center early learning provider or one hundred fifty dollars (\$150) per violation per day for a family home early learning provider.

(f) **Extremely High Risk (8 points):** The department may deny, suspend, or revoke the provider’s license. **Weight NA**

(ii) Additional fines may be assessed each additional time that a rule of this weight is violated. The department shall stop imposing additional fines for any given rule once the provider proves to DEL staff the provider is compliant with that rule.

(i) The fine shall be one hundred fifty dollars (\$ 150) per violation per day for a center early learning provider or one hundred fifty dollars (\$150) per violation per day for a family home early learning provider.

Single Finding Score – Compliance and Enforcement Actions					
Extremely Low Risk 3	Low Risk 4	Medium Low Risk 5	Medium High Risk 6	High Risk 7	Extremely High Risk 8
Technical Assistance	Technical Assistance	Technical Assistance	Technical Assistance	Technical Assistance	Deny license
	On 4+ Violations: Civil Penalty	On 3+ Violations: Civil Penalty	On 2+ Violations: Civil Penalty	On 1+ Violations: Civil Penalty	Suspend license
			Safety Plan	Probationary license	Revoke license
				Modify license	
				Suspend license	

(2) An early learning provider’s overall licensing score is calculated pursuant to 170-300-0441(5). In addition to single finding scores, a provider’s overall licensing

score determines what compliance actions or enforcement actions the department may take. Compliance and enforcement actions are taken pursuant to the scoring system described in this chapter or pursuant to RCW 43.215.040, .070, and .200. If a provider’s overall licensing score is:

- (a) **1-79 points:** The department shall provide technical assistance to help a provider comply with this chapter.
- (b) **80-120 points:** In addition to providing technical assistance, the department may require the provider to complete an office conference. The department may also assess a one-time fine once a provider’s overall licensing score reaches at least 80 points. The fine shall be up to fifty dollars (\$ 50) per violation per day for a center early learning provider or fifty dollars (\$50) per violation per day for a family home early learning provider once a provider’s overall licensing score reaches at least 80 points.
- (c) **121-150 points:** In addition to providing technical assistance, the department may issue a probationary license pursuant to RCW 43.215.290, or modify or suspend the provider’s license. The department shall also assess a one-time fine once a provider’s overall licensing score reaches at least 151 points. The fine shall be one hundred fifty dollars (\$ 150) per violation per day for a center early learning provider or one hundred fifty dollars (\$150) per violation per day for a family home early learning provider.
- (d) **151 or more points:** the department may suspend or revoke the provider’s license. **Weight NA**

Overall Licensing Score – Compliance and Enforcement Actions			
Tier 1 (1-79)	Tier 2 (80-120)	Tier 3 (121 or 150)	Tier 4 (151 plus)
Technical Assistance	Technical Assistance	Technical Assistance	Suspend license
	Office Conference	Probationary license	Revoke license
	Civil Penalties	Modify license	
		Suspend license	
		Civil penalties	

170-300-0443- Consensus Reached
Enforcement actions, notice, and appeal.

(1) Pursuant to RCW 43.215.300, the department is authorized to take enforcement actions when an early learning provider fails to comply with this chapter or chapter 43.215 RCW. Enforcement actions are taken pursuant to the scoring system described in this chapter, or pursuant to RCW 43.215.040, .070, and .200. Enforcement actions include civil monetary penalties (fines) or the denial, suspension, revocation, modification, or nonrenewal of a license. **Weight NA**

(2) An early learning provider subject to an enforcement action has the right to appeal by requesting an adjudicative proceeding (or "hearing") pursuant to chapter 170-03 WAC (DEL hearing rules). **Weight NA**

(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. **Weight NA**

(4) Fines shall not exceed two hundred and fifty dollars (\$250) per day per violation for center early learning programs or one hundred and fifty dollars (\$150) per day per violation for family home early learning programs. Fines may be:

- (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. **Weight NA**

(5) An early learning provider must pay fines within 28 calendar days after receiving a notice of violation unless:

- (a) The provider requests and the department approves an alternate payment plan;
- (b) The Office of Financial Recovery establishes a payment plan for the provider; or
- (c) The provider requests a hearing, pursuant to chapter 170-03 WAC (DEL hearing rules) and RCW 43.215.307(3). **Weight NA**

(6) The department may suspend or revoke a license if an early learning provider fails to pay a fine within 28 calendar days or becomes delinquent in making payments, pursuant to RCW 43.215.305 and .307. If a provider's license is due for annual compliance, the department may elect not to continue the license for failure to pay a fine. **Weight NA**

170-300-0450- Consensus Reached
Parent or guardian handbook and related policies.

- (1) An early learning provider must provide to each parent or guardian written policies regarding the early learning program implementation. Each enrolled child's file must have signed documentation stating the parent or guardian reviewed the handbook and has been made aware of the policies. **Weight #3**

*Consensus reached on Subsection (2); DEL Tech Writers provided revised language for clarity

- (2) An early learning provider must include, but is not limited to, the following policies in their written or electronic parent or guardian handbook:
- (a) A non-discrimination statement;
 - (b) A family engagement and partnership communication plan, pursuant WAC 170-300-0085;
 - (c) Food service practices including menus and guidelines for food brought from home;
 - (d) Smoking, alcohol, and prohibited substances, pursuant to WAC 170-300-0420;
 - (e) Infection control methods, including:
 - (i) Handwashing and hand sanitizers; and
 - (ii) Cleaning and sanitizing, or cleaning and disinfecting procedures including the methods and products used;
 - (f) Medical plan and health policy, pursuant to WAC 170-300-0186, 0205, 0210, and 0215;
 - (g) Curriculum philosophy and planning, pursuant to WAC 170-300-0305;
 - (h) Child guidance plan, including restraint policy and forbidding corporal punishment in the early learning program;
 - (i) Expulsion policy and procedures;
 - (j) Early learning program staff-to-child ratio and assigned classroom, if applicable;
 - (k) If the early learning program provides the following, they must include a policy for each that applies to their program:
 - (i) Care for children with specific or special needs, agreed to and signed by parent or guardian;
 - (ii) Infant and toddler care, pursuant to WAC 170-300-0275 through 0296;
 - (iii) Caring for and teaching dual language learners;
 - (iv) Religious and cultural activities and how holidays will be celebrated in the program;
 - (v) Transportation and off-site field trips;
 - (vi) Pets and animals;
 - (vii) The potential health risks of pets and animals;
 - (viii) Water activities;
 - (ix) Overnight care; and
 - (x) How weapons on the premises are secured;

- (l) For infant and toddler care, safe sleep guidelines, and requirements, pursuant to WAC170-300-0291;
- (m) Program hours of operation to include closure dates and holiday observances;
- (n) Enrollment and termination requirements;
- (o) Fees and child care payment plan options;
- (p) Sign-in and sign-out requirements, pursuant to WAC 170-300-0455;
- (q) Information required for the child's file, pursuant to WAC 170-300-0460;
- (r) Child's kindergarten transition plan, if applicable, pursuant to WAC 170-300-0065;
- (s) What parents or guardians must supply for their child, if applicable. For example, extra clothing or diapers;
- (t) Permission for parent or guardian access to their own child during normal hours of operation, except as excluded by a court order;
- (u) Termination of services policy and procedures, pursuant to WAC 170-300-0485;
- (v) Emergency preparedness plan, pursuant to WAC 170-300-0470;
- (w) The provider's duty to protect children and report incidents, including suspected child abuse, neglect, sexual abuse, or maltreatment, pursuant to WAC 170-300-0475; and
- (x) Description of where the parent or guardian may find and review the early learning program's policies.

Weight #4

- (2) An early learning provider must have and follow written or electronic policies, including:
 - (a) A non-discrimination statement.
 - (b) A family engagement and partnership communication plan including:
 - (i) How the parent or guardian may contact the provider with questions or concerns.
 - (ii) How the provider will offer communication with the parent or guardian about their child's progress or concerns regarding their child at least twice per year.
 - (iii) How the provider will work with the parent to support the child's development including developmental screening resources.
 - (iv) Parent or guardian's permission for photography, videotaping, or surveillance of his or her child.
 - (c) Food service practices including guidelines for food brought from home.
 - (d) Illegal drug use is not permitted in any program at any time. No smoking, vaping, or cannabis use is permitted. Alcohol use is not permitted in licensed space while children are present:
 - (i) on the premises for center based care
 - (ii) in licensed space during child care hours in family homes
 - (iii) Notify parents or guardian if smoking occurs in family home or vehicle used to transport children during non-operating hours

- (e) Infection control methods, including:
 - (i) Handwashing and hand sanitizers; and
 - (ii) Cleaning and sanitizing, or cleaning and disinfecting procedures including the methods and products used.
- (f) Medical plan, including:
 - (i) When a child is too ill to be at the early learning program;
 - (ii) What occurs if a child becomes sick at the early learning program;
 - (iii) Medication management including storage and documenting when medication is given;
 - (iv) Notice if medication administration is not offered at the early learning program.
 - (v) Injury or medical emergency response and reporting.
 - (vi) Excluding from the program or separating a child with a contagious disease from other children.
- (g) Program philosophy on how children learn, develop and how this philosophy is implemented in the early learning program.
- (h) Child guidance plan, including restraint policy and forbidding corporal punishment in the early learning program.
 - (i) Expulsion policy and procedures.
- (j) Early learning program staff-to-child ratio and assigned classroom, if applicable.
- (k) If the early learning program provides the following, they must include a policy for each that applies to their program:
 - (i) Care for children with specific or special needs, agreed to and signed Infant and toddler care, covering:
 - a. Diapering procedures;
 - b. feeding procedures;
 - c. Toilet training procedures; and
 - d. Child sleep pattern procedures
 - e. by parent or guardian;
 - (ii) Caring for and teaching dual language learners;
 - (iii) Religious and cultural activities and how holidays will be celebrated in the program;
 - (iv) Transportation and off-site field trips;
 - (v) Pets and animals;
 - (vi) The potential health risks of pets and animals;
 - (vii) Water activities;
 - (viii) Overnight care; and
 - (ix) How weapons on the premises are secured.
- (l) For infant care, safe sleep guidelines and requirements.
- (m) Program hours of operation to include closure dates and holiday observances.
- (n) Enrollment and termination requirements.
- (o) Fee and payment plan.
- (p) Sign in and sign out requirements.
- (q) Information required for the child's file including:
 - (i) The importance and plan for keeping the information current;

- (ii) plan to keep the child's information confidential; and
 - (iii) who may legally access the child's information.
- (r) Child's kindergarten transition plan, if applicable.
- (s) What parents or guardians must supply for their child. For example, extra clothing or diapers.
- (t) Permission for parent's or guardian's free access to all areas of the early learning program during business hours.
- (u) Termination of services policy and procedures.
- (v) Emergency preparedness plan including:
 - (i) Where the provider will take children if required to evacuate and how the parents or guardians will be able to make contact; and steps the provider will take if an emergency prevents the parents or guardians
 - (ii) from getting to the early learning program.
- (w) The provider's duty to protect children and report incidents.
- (x) Suspected child abuse, neglect, sexual abuse, or maltreatment reporting requirements for all staff and volunteers.
- (y) Description of where the parent or guardian may find and review the early learning program's:
 - (i) Emergency preparedness plan;
 - (ii) Health policy; and
 - (iii) staff policies, if applicable
 - (iv) Consistent care policy.
 - (v) Pesticide policy. Menus.
 - (vi) Other relevant program policies.

Weight #4

170-300-0455- Consensus Reached
Attendance records.

- (1) An early learning provider may keep a child in care up to a maximum of ten hours each day. If needed, the maximum time may be extended based upon the parent or guardian's typical work, an agreed upon alternate schedule, or travel to and from the early learning program.
Weight #1

- (2) An early learning provider must keep daily attendance records, either in paper or electronic format, for each child (including the children of staff in the program). These records must be available for department review at all times and must clearly document:
 - (a) The name of the child;
 - (b) The date of care;
 - (c) Child arrival and departure times from the early learning program;
 - (d) Signature or electronic signature of parent or other authorized person at time of arrival and departure; and
 - (e) a staff signature and time when the child leaves the early learning program to attend school or participate in offsite activities authorized by the parent or other authorized person. **Weight #4**

- (3) An early learning provider must keep daily staff classroom and/or family home attendance records on paper or in an electronic format. This attendance record must list the specific staff, staff assigned to care for children with special needs or circumstances one-on-one, and volunteers who count in staff-to-child ratio. The attendance record must clearly document:
 - (a) The name of staff, one-on-one care staff, or volunteer;
 - (b) The number of children in classrooms and staff-to-child ratio, if applicable;
 - (c) The date; and
 - (d) Start and end times of assigned staff. **Weight #1**

- (4) If the attendance records are kept electronically, the electronic system must:
 - (a) Record either an electronic signature, swipe card, personal identification number (PIN), biometric reader, or similar action by the parent or authorized person when signing the child in or out of care (or staff notation of who picked up/dropped off along with time in/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. **Weight #1**
- (5) Electronic attendance records must contain information necessary to reproduce the entire electronic record and associated signatures in a form that permits a person viewing or printing the entire electronic record to verify:
- (a) The contents of the electronic record.
 - (b) The person signing the electronic record.
 - (c) The date signatures were executed. **Weight #1**
- (6) Participating early learning providers must be in compliance with attendance record requirements for Working Connections, seasonal child care subsidy, or other subsidy programs of WAC 170-290. **Weight N/A**

170-300-0460- Consensus Reached
Child records.

- (1) An early learning provider must keep current individualized enrollment and health records for all children, including enrolled children of staff, updated annually or more often as health records are updated. A child's records must be kept in a confidential manner in an area easily accessible to staff. A child's parent or guardian must be allowed access to all records for his or her own child.

Weight #4

- (2) Each child's enrollment record must include the following:
- (a) The child's birth date;
 - (b) An enrolled child's parent or guardian information including name, phone numbers, address, and contact information for reaching the family while the child is in care;
 - (c) Emergency contact(s). 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 pick up enrolled children;
 - (e) A plan for special or individual needs of the child if applicable, including parent or guardian signature, pursuant to WAC 170-300-0300;
 - (f) Signed parent or guardian permissions, pursuant to WAC 170-300-0450 as applicable for:
 - i. Field trips;
 - ii. Transportation;
 - iii. bathing;
 - iv. water activities including swimming pools or other outdoor bodies of water; and
 - v. Photo, video, or surveillance activity.
 - (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 evidence of parental notification, pursuant to WAC 170-300-0490;
 - (i) Any 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.

Weight #6

- (3) Each child's health record in addition to parts (a)-(e) of subsection (2) of this section must be available to staff when needed for medical administration or emergencies. **Weight #7**

- (4) A health record is required for every child who is enrolled and counted in an early learning program's capacity and must include:
- (a) An immunization record, pursuant to WAC 170-300-0210(1).
 - (b) The child's health history including any known health conditions and the child's Individual Care Plan, if any;
 - (c) A medication authorization and administration log, pursuant to WAC 170-300-0215, if applicable;
 - (d) Documentation of special medical procedure training by parent or guardian, if applicable;
 - (e) Medical and dental care provider names and contact information or what facility the parent 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 providing direct services to individual children at the early learning program;
 - (i) An incident, or injury report that include:
 - 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 supplied to the child's parent or guardian.
 - (j) Documentation that provider has reported incidents of food poisoning or reportable contagious disease, per DOH guidelines, when not otherwise reported

Weight #5

170-300-0465- Consensus reached (1-3); Subsection 4 in queue for consensus
Retaining facility and program records.

- (1) An early learning provider must keep all records required in this chapter for a minimum of three years unless otherwise indicated. **Weight #1**
- (2) All records from the previous twelve months for children that are currently enrolled must be kept in an easily accessible manner for the department or other state agency's review. Easily accessible records include:
 - (a) Child records must be easily accessible;
 - (b) Staff records must be easily accessible on site or kept in the program's administrative office for department review; and
 - (c) Attendance records must be easily accessible on site or kept in the program's administrative office for department review. **Weight #4**
- (3) Records older than twelve months must be provided within two weeks of the delivery of a written request by the department. Attendance records must be kept for five years. **Weight #1**

***Subsection 4 in queue for consensus**

- (4) an early learning provider must keep the following records available for department review:
 - (a) A non-discrimination policy;
 - (b) Strengthening Families Program Self-Assessment, or an equivalent assessment;
 - (c) Furniture, sleep, and play equipment forms and specifications;
 - (d) Chromated copper arsenate test results, if applicable;
 - (e) Annual fire inspection by qualified fire professional;
 - (f) Annual inspection of chimney, wood stove and fireplace;
 - (g) Monthly inspection to identify fire hazards and elimination of such hazards;
 - (h) Monthly testing of smoke and carbon monoxide detectors;
 - (i) Monthly fire extinguisher inspection and annual maintenance;
 - (j) Menus (six months) pursuant to CACFP;
 - (k) Food temperature logs pursuant to CACFP, if applicable;
 - (l) Child incident and illness logs;
 - (m) Medication administration logs;
 - (n) Vaccination records for pets or animals housed at the early learning program;
 - (o) Lead and copper testing results;
 - (p) Private well and septic systems inspection and testing results, if applicable;
 - (q) Center or family home cleaning schedule;
 - (r) Alternative cleaning, sanitizing, and disinfecting products;
 - (s) Cleaning log for large area rugs or carpets;
 - (t) Pesticide use (seven years);
 - (u) Monthly site visit from nurse consultant, if applicable;



- (v) Tacoma smelter inspection results, if applicable;
- (w) Restraint and expulsion policy;
- (x) Daily schedule;
- (y) Curriculum planning time;
- (z) Parent or guardian handbook;
- (aa) Documents from department visits (inspections, monitoring, compliance agreements, and safety plans);
- (bb) Waivers or variances from department rules, if applicable;
- (cc) Written emergency preparedness plans and drills;
- (dd) Transportation policy;
- (ee) Car insurance policy;
- (ff) Termination of services policy;
- (gg) Consistent care policy; and
- (hh) Health policy.

Weight #1

**170-300-0470- Consensus reached on language with weights tabled for subsections 1, 2, 4; Consensus reached on intent and weights tabled on subsection 3; Consensus and language reached on subsection 5
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 for response to fire, natural disasters, and other emergencies relevant to disasters that might occur in the location of 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 he or she has an emergency and children are potentially 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) Centers must follow requirements in chapter 212-12 WAC (Fire Marshal Standards) and the State Fire Marshal's office requirements.
 - (f) Be reviewed at program orientation, annually with all early learning program staff with documented signatures, and when the plan is updated.
 - (g) Be reviewed with parents or guardians when a child is enrolled and when the plan is updated.

Weight #5

- (2) The written emergency preparedness plan must cover at minimum:
- (a) Disaster plans, including fires that may require evacuation:
 - (i) An evacuation floor plan that identifies room numbers or names of rooms, emergency exit pathways, emergency exit doors, and for family home based programs, emergency exit windows if applicable;
 - (ii) methods to be used for sounding an alarm and calling 911;
 - (iii) actions to be taken by a person discovering an emergency;
 - (iv) How the early learning provider will evacuate children, especially those who cannot walk independently. This 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; and
- (viii) How children will be reunited with their parents or guardians after the event.
- (b) Earthquake procedures including:
 - (i) What a provider will do during an earthquake;
 - (ii) How a provider will account for all children; and
 - (iii) How a provider will coordinate with local or state officials to determine if the licensed space is safe for children after an earthquake.
- (c) 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; and
- (d) How parents and guardians will be contacted after the emergency ends.

Weight #4

- (3) An early learning provider must keep on the premises a three-day supply of food, water, and medication for the licensed capacity of children and current staff for use in a disaster, lockdown, or shelter-in-place event. **Weight #4**
- (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 in compliance with WAC 170-300-0166;
 - (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 overnight hours for early learning programs that care for children during those hours; and
 - (d) Record of drills must be completed on a department form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) and include:
 - (i) The date and time of the drill;
 - (ii) The number of children who participated;
 - (iii) The length of the drill; and
 - (iv) Notes about how the drill went and how it could be improved.

Weight #6

- (5) In areas where local emergency plans are already in place, such as school districts, early learning programs may follow such procedures in developing their own plan. An early learning program's must comply with (4). If a program operates on district grounds, it can adopt the school district's plan.
Weight NA

170-300-0475- Consensus Reached
Duty to protect children and report incidents.

- (1) When a provider has reasonable cause to believe that a child may be ...an early learning provider must protect enrolled children from child abuse, neglect, maltreatment, or exploitation as defined in chapter 26.44 RCW while in care. **Weight #8**
- (2) An early learning provider must report by phone upon knowledge of the following to:
 - (a) DSHS children's administration intake (Child Protective Services) or law enforcement at the first opportunity, but in no case longer than 48 hours, pursuant to RCW 26.44.030 and .040, and to the department:
 - (i) The death of a child while in the early learning program's care or the death from injury or illness that may have occurred while the child was in care;
 - (ii) A child's attempted suicide or talk about attempting suicide;
 - (iii) Any suspected physical, sexual or emotional child abuse;
 - (iv) any suspected child neglect, child endangerment, or child exploitation;
 - (v) A child's disclosure of sexual or physical abuse; or
 - (vi) inappropriate sexual contact between two or more children.
 - (b) Emergency Services (911) immediately, and to the department within 24 hours:
 - (i) A child is missing from care, as soon as staff realize the child is missing;
 - (ii) medical emergency (injury or illness) that requires immediate professional medical care;
 - (iii) a child is given too much of any oral, inhaled or injected medication, or a child took or received another child's medication;
 - (iv) Fire and other emergencies;
 - (v) Poisoning or suspected poisoning; or
 - (vi) Other dangers or incidents requiring emergency response.
 - (c) Washington Poison Center immediately after calling 911, and to the department within 24 hours:
 - (i) A poisoning or suspected poisoning;
 - (ii) child was given too much of an oral, inhaled, or injected medication or a child has taken or received another child's medication.
 - (iii) The provider must follow any directions provided by Washington Poison Center.
 - (d) Local health jurisdiction or DOH immediately, and to the department within 24 hours:
 - (i) An occurrence of food poisoning or reportable contagious disease as defined in chapter 246-101 WAC;

- (ii) person excluded from the early learning program by the health department or local health officer on the basis of a diagnosis may not return to the early learning program until approved to do so by the local health officer.
- (e) The department at the first opportunity, but in no case longer than 24 hours, upon knowledge of any person required by chapter 170-06 WAC to have a change in their background check history due to:
 - (i) A pending charge or conviction for a crime listed in WAC 170-06;
 - (ii) allegation or finding of child abuse, neglect, maltreatment or exploitation under chapter 26.44 RCW or chapter 388-15 WAC;
 - (iii) allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or
 - (iv) pending charge or conviction from outside Washington state consistent with or the same crime listed in the Director's List in chapter 170-06 WAC, or "negative action" as defined in RCW 43.215.010

Weight #NA

- (3) In addition to reporting to the department by phone or e-mail and submit a written incident report on a department form (found at <https://del.wa.gov/providers-educators/publications-forms-and-research/licensing-forms-and-documents-providers>) within 24 hours, :
 - (a) Situations that required an emergency response from Emergency Services (911), Washington Poison Center, or DOH;
 - (b) Situations that occur while children are in care that may put children at risk including, but not limited to, inappropriate sexual touching, neglect, physical abuse, maltreatment, or exploitation; and
 - (c) A serious injury to a child in care. "Serious injury" means:
 - (i) Injuries resulting in overnight hospital stay;
 - (ii) Severe neck or head injury;
 - (iii) Choking/unexpected breathing problems;
 - (iv) Severe bleeding;
 - (v) Shock or acute confused state;
 - (vi) Unconsciousness;
 - (vii) Chemicals in eyes, on skin, or ingested in the mouth;
 - (viii) Near-drowning;
 - (ix) Broken bone;
 - (x) Severe burn requiring professional medical care;
 - (xi) Poisoning; and
 - (xii) Medication overdose. **Weight #5**
- (4) An early learning provider must immediately report to the parent or guardian of a child:
 - (a) That child's death, serious injury, need for emergency or poison services;
 - (b) An incident involving that child which was reported to the local health district or DOH. **Weight #6**

170-300-0480- Consensus Reached
Transportation and off-site activity policy.

- (1) An early learning provider must have and follow a transportation and off-site activity policy for personal or public transportation service, or non-motorized travel offered to children in care.
 - (a) The transportation and off-site activity policy must include:
 - (i) Routine trips, which must not exceed two hours per day for any individual child.
 - (ii) Written parent or guardian authorization to transport the parent or guardian's child. The written authorization must be:
 - (i) for 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
 - (b) A written notice to parents or guardians, to be given at least 24 hours before field trips are taken. **Weight #6**

- (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, pursuant to WAC 170-300-0230;
 - (d) Maintain the staff-to-child ratio, mixed groupings, and supervision requirements;
 - (e) Have at least one staff member currently certified in First Aid and CPR supervise children;
 - (f) Take attendance each time children begin and end travel to an off-site activity and every time they enter and exit a vehicle; and
 - (g) Never leave children unattended in the vehicle. **Weight #7**

- (3) When an early learning provider supplies the vehicle(s) to transport children in care, the program and provider must:
 - (a) Follow chapter 46.61 RCW (Rules of the Road) and other applicable laws regarding child restraints and car seats;
 - (b) If transportation is provided by school districts, transportation is regulated by OSPI minimum standards
 - (c) Assure that the number of passengers does not exceed the seating capacity of the vehicle;
 - (d) Maintain the vehicle in good repair and safe operating condition;
 - (e) Maintain the vehicle temperature at a comfortable level to children;
 - (f) Assure the vehicle has a current license and registration as required by Washington state transportation laws;
 - (g) Assure the vehicle has emergency reflective triangles or other devices to alert other drivers of an emergency;



- (h) 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;
- (i) Drivers known to have medical or other conditions that would compromise driving, supervision, or evacuation capabilities should not operate program vehicles; and
- (j) Have a current insurance policy that covers the driver, the vehicle, and all occupants.

Weight #6

170-300-0485- Consensus Reached Subsection 1; Subsection 2 in queue for consensus

Termination of services policy.

- (1) An early learning provider may terminate a child's early learning services due to a parent or guardian's inability to meet expectations outlined in the early learning program contract. Reasons for terminating services include, but are not limited to:
- (a) Unpaid bills;
 - (b) Continual late arrivals or pickups; or
 - (c) A parent, guardian, or family member's inappropriate or unsafe behavior in or near early learning program space. **Weight NA**

- (2) An early learning provider must have and follow a termination of services policy that is communicated with parents. This policy must include:
- (a) The reasons and timelines for termination; and
 - (b) Strategies used to communicate a risk of service termination. Attempts to communicate to a parent the potential for terminating services must be kept in the child's file.
 - (c) Situations that may result in immediate termination
- Weight #4**

**170-300-0486 New Section Proposed by DEL Writers Dec. 2017; In queue for consensus
Expulsion policy.**

- (1) An early learning provider must have and follow an expulsion policy, pursuant to WAC 170-300-0340. **Weight #6**
- (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 subsection (2)(b) and this section; and
 - (d) Include information that may benefit an expelled child including, but not limited to, community based resources.

Weight #6

170-300-0490- Subgroup Negotiated/In queue for Consensus with Section 0335

Child restraint policy.

- (1) An early learning provider must have a Child restraint policy that contains behavior management and practices, pursuant to section WAC 170-300-0335.
 - (a) A restraint policy must be:
 - i. Appropriate for each child’s developmental level, abilities, language skills, and culture;
 - ii. Directly related to the child’s behavior; and designed to be consistent, fair, and positive. **Weight #4**
- (2) Family Home Licensees, Directors, Assistant Directors, Program Supervisors, Lead Teachers and other appropriate staff members must be trained annually in the Child restraint policy. **Weight #3**
- (3) Only trained staff may restrain a child in care in accordance with WAC section 170-300-0335. **Weight #NA**

170-300-0495- Consensus Reached
Consistent care policy.

- (1) An early learning program must have and follow a policy that promotes the consistent care of children. "Consistent care" means providing steady opportunities for children to build emotionally secure relationships by primarily interacting with a limited number of early learning program staff.
Weight #1

- (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. **Weight #N/A**

**170-300-0500- Consensus Reached
Health policy.**

(1) An early learning provider must have and follow a written Health policy reviewed and approved by the department. The Health policy must be reviewed by the department when updated as changes occur within this chapter, and as otherwise necessary. **Weight #4**

- (3)(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;
 - (c) Handwashing and hand sanitizer use policy;
 - (d) Observing children for illness daily;
 - (e) Exclusion of ill children, staff, or any other person in the program space;
 - (f) Contagious disease notification;
 - (g) Exclusion and return of a person diagnosed with a notifiable condition;
 - (h) Injury treatment and reporting;
 - (i)) Immunization tracking;
 - (j) Medication management and storage pursuant to WAC 170-300-0215;
 - (k) Care for animals that have access to licensed space;
 - (l) How general cleaning will be provided and how areas such as food contact surfaces, kitchen equipment, toys, toileting equipment, and laundry will be cleaned and sanitized;
 - (m) Pest control policies;
 - (n) Caring for children with special needs or health needs, including allergies, as listed in the child's file; and
 - (o) Dental hygiene practices and education pursuant to WAC 170-300-0180(2). **Weight #N/A**

170-300-0505- Consensus Reached Postings.

(1) An early learning provider must post the following so they are clearly visible to parents, guardians, and staff:

- (a) The child care license, pursuant to WAC 170-300-0010;
- (b) Floor plan with emergency routes and exits identified in each child care area, pursuant to WAC 170-300-0400(1)(b)(i) and 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 170-300-0186(8);
- (d) Handwashing practices, pursuant to WAC 170-300-0200(1);
- (e) If applicable, Diaper changing or stand-up diapering procedure, pursuant to WAC 170-300-0220(5) and 0221(1)(d);
- (f) Pesticide treatment, if applicable, pursuant to RCW 43.215.220 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. DEL's toll-free number;
 - iv. Washington poison center toll-free number; and
 - v. DSHS children's administration intake (Child Protective Services) toll-free number;
- (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 43.215.525(1)(c). 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 170-300-0291(2), if applicable;
- (k) "No smoking" and "no vaping" signs, pursuant to WAC 170-300-0420(2)(f); and
- (l) And any information in RCW 43.215.525 not otherwise mentioned here.

Weight #4

(2) An early learning provider must make the following easily available to parents, guardians, and staff:

- (a) Liability insurance coverage, or lapse or termination of such coverage, if applicable, pursuant to RCW 43.215.535;
- (b) A copy of a waiver or variance from a rule granted by the department, if applicable, pursuant to WAC 170-300-0435 and 0436.

Weight #4