Chapter 170-297 WAC
LICENSED SCHOOL AGE CHILD CARE STANDARDS

WAC

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WAC 170-297-0001 Authority. 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 standards for licensed child care agencies in Washington state, including the authority to adopt rules to implement chapter 43.215 RCW.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-0001, filed 11/19/12, effective 12/20/12.]

WAC 170-297-0005 Intent. This chapter reflects the department's commitment to quality early learning experiences for children, and promotes the health, safety, and positive development of children receiving care in a licensed school age setting serving only children five years of age through twelve years of age who are attending kindergarten or school.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-0005, filed 11/19/12, effective 12/20/12.]

WAC 170-297-0010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise. Certain definitions appear in the section the term is used if the definition applies only to a specific section or sections:

"Accessible to children" means areas of the facility and materials that the children can easily get to on their own.

"Agency" as used in this chapter, has the same meaning as in RCW 43.215.010 (1)(c).

"Available" means accessible and ready for use or service.

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

"Capacity" means the maximum number of children the licensee is authorized by the department to have in care at any given time.

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

"Child abuse or neglect" has the same meaning as "abuse or neglect" under RCW 26.44.020 and chapter 388-15 WAC.

"Child care" means the developmentally appropriate care, protection, and supervision of children that is designed to promote positive growth and educational experiences for children outside the child's home for periods of less than twenty-four hours a day.

"Clean" or **"cleaning"** means to remove dirt and debris (such as soil, food, blood, urine, or feces) by scrubbing and washing with a soap or detergent solution and rinsing with water. Cleaning is the first step in the process of sanitizing or disinfecting a surface or item.

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

"Denial of a license" means department action to not issue a child care license to an applicant for an initial license, or to a licensee operating under an initial license seeking a nonexpiring full license, based on the applicant's or initial licensee's inability or failure to meet the requirements of

chapter 43.215 RCW or requirements adopted by the department pursuant to chapter 43.215 RCW.

"Department" or **"DEL"** means the Washington state department of early learning.

"Developmentally appropriate" means curriculum, materials or activities provided at a level that is consistent with the abilities or learning skills of the child.

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

"Disinfect" or **"disinfecting"** means to eliminate virtually all germs on a surface by the process of cleaning and rinsing, followed by:

(a) A chlorine bleach and water solution of one tablespoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

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

"DOH" means the Washington state department of health.

"DSHS" means the Washington state department of social and health services.

"Enforcement action" means a department issued:

(a) Denial, suspension, revocation or modification of a license;

(b) Probationary license;

(c) Civil monetary penalty (fine); or

(d) Disqualification from having unsupervised access to children in care.

"Fine" has the same meaning as "civil monetary penalty," "civil fines," or "monetary penalty" under chapter 43.215 RCW.

"Inaccessible to children" means an effective method or barrier that reasonably prevents a child's ability to reach, enter, or use items or areas.

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

"Licensee" for the purposes of this chapter, means the individual listed on a school age child care license issued by the department of early learning authorizing that individual to provide child care under the requirements of this chapter and chapter 43.215 RCW.

"Licensor" means an individual employed by the department and designated by the director to inspect and monitor an agency or other child care facility for compliance with the requirements of this chapter and chapter 43.215 RCW.

"MERIT" means the managed education registry information tool used to track professional development for early learning professionals. See also "STARS."

"Modification of a license" means department action to change the conditions identified on a current license.

"Nonexpiring full license" or **"nonexpiring license"** means a full license with no expiration date that is issued to a licensee following the initial licensing period as provided in WAC 170-297-1430.

"Nonprescription medication" means any of the following:

(a) Nonaspirin fever reducers or pain relievers;

(b) Nonnarcotic cough suppressants;

(c) Cold or flu medications;

(d) Antihistamines or decongestants;

(e) Vitamins;

(f) Ointments or lotions specially intended to relieve itching;

(g) Diaper ointments and talc free powders specially used in the diaper area of children;

(h) Sun screen;

(i) Hand sanitizer gels; or

(j) Hand wipes with alcohol.

"Personal needs" means an individual's hygiene, toileting, medication, cleansing, eating or clothing needs. Personal needs does not mean smoking or use of tobacco products, illegal drug use or misuse of prescription drugs, conducting business or related activities, sleeping or napping, screen time, or leaving children in care unattended.

"Physical restraint" means the practice of rendering a child helpless or keeping a child in captivity.

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

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

"RCW" means Revised Code of Washington.

"Revocation" or **"revoke"** means the formal department action to close a child care business and take the license due to the licensee's failure to comply with chapter 43.215 RCW or requirements adopted pursuant to chapter 43.215 RCW.

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

(a) Cleaning and rinsing, followed by using:

(i) A chlorine bleach and water solution of three-quarters teaspoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

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

(b) For laundry and dishwasher use only, "sanitize" means use of a bleach and water solution or temperature control of a minimum 140 degrees Fahrenheit.

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

"Staff" means a person or persons employed by the licensee to provide child care and to supervise children served at the center.

"STARS" means the state training and registry system.

"Suspension of a license" means a formal department action to immediately stop a license pending a department decision regarding further enforcement action.

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

"Unsupervised access" has the same meaning as unsupervised access in WAC 170-06-0020.

"WAC" means the Washington Administrative Code.

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

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-0010, filed 11/19/12, effective 12/20/12.]

WAC 170-297-0050 Special needs accommodations. The provisions of this section apply to any requirement in this chapter.

(1) The department may approve accommodations to requirements in these standards for the special needs of an individual child when:

(a) The licensee or designee submits to the department a written plan, signed by the parent or guardian, that describes how the child's needs will be met in the licensed child care; and

(b) The licensee or designee has supporting documentation of the child's special needs provided by a 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 degree with a specialization in the individual child's needs; or

(v) Registered nurse or advanced registered nurse practitioner.

(2) The documentation described in this subsection must be in the form of an:

(a) Individual education plan (IEP);

(b) Individual health plan (IHP);

(c) 504 plan; or

(d) Individualized family service plan (IFSP).

(3) The licensee or designee's written plan and all documentation required under this section must be kept in the child's file and a copy submitted to the department.

(4) The licensee must keep written documentation on file, signed by the parent or guardian, that a visiting health professional may be providing services to the child at the child care program, if applicable.

(5) The licensee must keep written documentation on file that all staff have been trained on how to implement the plan for the individual child.

(6) The written plan must be updated annually or when there is a change in the child's special needs.

(7) See WAC 170-297-5625 regarding supervision, capacity, and staff-to-child ratios for children with documented special needs.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-0050, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1000 License required. (1) A school-age program that provides child care for children must be licensed by the department unless exempt under RCW 43.215.010(2).

(2) A child care program claiming an exemption must provide to the department proof that they qualify for an exemption using a department approved form.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1000, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1035 Fire inspection/certification. (1) The license applicant/licensee must conform to rules adopted by the state fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter 212-12 WAC.

(2) The department must not issue a license until the state fire marshal's office has certified or inspected and approved the facility.

(3) The licensee must continue to comply with state and local fire code following the state fire marshal inspection.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1035, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1050 The licensee. (1) The applicant for a license under this chapter must be twenty-one years of age or older.

(2) The licensee is the individual(s) or organization:

(a) Whose name appears on the license issued by the department;

(b) Responsible for complying with the standards in this chapter, chapter 43.215 RCW, chapter 170-06 WAC DEL background check rules, and other applicable laws or rules; and

(c) Responsible for training staff on the licensing standards in this chapter.

(3) The licensee must comply with all requirements in this chapter unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes such as zoning, building, or environmental health regulations.

(4) The licensee must have the understanding, ability, physical health, emotional stability and good judgment to meet the needs of the children in care.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1050, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1075 Child care subsidy. A child care program that receives child care subsidy payments must follow the requirements of the applicable subsidy program. A child care program that receives subsidy payments under the working connections child care or seasonal child care programs must follow the requirements of chapter 170-290 WAC.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1075, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1100 Tribal or military regulated or operated child care—Certification for payment. (1) A child care program that is regulated by an Indian tribe or the federal Department of Defense is exempt from licensing.

(2) A tribe or a child care regulated by the federal Department of Defense may request certification:

(a) For subsidy payment only; or

(b) As meeting licensing standards of this chapter.

(3) A child care program seeking certification under this section must be located on the premises over which the tribe or federal Department of Defense has jurisdiction.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1100, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1125 Orientation required. (1) A license applicant(s) applying for an initial license must complete an orientation provided by the department within twelve months prior to submitting a license application.

(2) The school age program director and the school age site coordinator of the child care program must attend an orientation provided by the department within six months of employment or assuming the position.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1125, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1200 Background checks. (1) The license applicant(s) or licensee(s) must submit a completed background check form and obtain written authorization from the department consistent with the requirements of chapter 170-06 WAC for each of the following:

(a) Any license applicant;

(b) The licensee(s); and

(c) Each staff person or volunteer.

(2) Each individual seeking a first time DEL background check must undergo a fingerprint-based FBI background check. See RCW 43.215.215.

(3) The licensee must keep background check authorization letters from the department on file for the licensee, staff person, or volunteer and must allow the department to inspect the file upon request.

(4) The licensee must not allow any individual who has not been authorized by the department to have unsupervised access to the children in care at any time.

(5) The licensee must verify annually that each individual who is required to have a background check under this section has either obtained a department clearance or has applied for a department background check. The verification must be submitted with the licensee's annual license fee and declarations required under WAC 170-297-1450.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1200, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1250 License application packet—Contents. (1) The individual or entity seeking a license under this chapter is the license applicant.

(2) The license applicant must submit a license application packet that includes:

(a) A completed department application form;

(b) A copy of the applicant's orientation certificate;

(c) Completed background clearance forms for each staff person or volunteer having unsupervised or regular access to the child in care;

(d) Parent, staff and operation policies (handbooks). See WAC 170-297-2350, 170-297-2375, 170-297-2400, and 170-297-2425;

(e) A floor plan, including proposed licensed and unlicensed space with emergency exits and emergency exit pathways identified;

(f) A Washington state business license, or a tribal, county, or city business or occupation license, as applicable;

(g) An on-site septic system inspection report if applicable under WAC 170-297-1375;

(h) Well water testing results if applicable under WAC 170-297-1400;

(i) A lead or arsenic evaluation agreement, only for a site located in the Tacoma smelter plume under WAC 170-297-1360;

(j) The license fee under WAC 170-297-1325;

(k) A federal employer identification number; and

(l) A staffing plan to include:

(i) The number and position types and qualifications of staff to meet the projected capacity of the facility;

(ii) How the applicant or licensee will verify that staff hired meet the qualifications as provided in this chapter; and

(iii) Projected staff training plan for the first year of the program.

(3) In addition to subsection (2)(a) through (l) of this section, if the license applicant is an individual, the following must be submitted with the license application:

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

(b) A copy of the license applicant's Social Security card under 42 U.S.C. 666(a)(13) and RCW 26.23.150 regarding child support, or, if the license applicant does not have a Social Security card, a sworn declaration stating that he or she does not have a Social Security card.

(4) In addition to subsection (2)(a) through (l) of this section, if the license applicant is an entity, a copy of the certificate of incorporation, partnership agreement or similar business organization document must be submitted with the license application.

(5) The licensee must submit a copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1250, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1275 Application processing. (1) The department may take up to ninety days to complete the licensing process. The ninety days begins when the department receives the license applicant's signed and dated application packet, fees, and background check forms.

(2) If an incomplete application packet is submitted, the department will inform the license applicant of the deficiencies and provide a time frame in which to provide the required information. If an application remains incomplete the department may deny the license.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1275, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1300 Withdrawing an incomplete application. (1) If the license applicant is unable to successfully complete the licensing process within ninety days, the license applicant may withdraw the application and reapply when the applicant is able to meet licensing requirements.

(2) A license applicant who has not withdrawn his or her incomplete application and is unable to meet the application requirements will be denied a license. See RCW 43.215.300.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1300, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1325 Fees—When due.

License fees.

(1) The annual license fee is one hundred twenty-five dollars for the first twelve children, plus twelve dollars for each additional child over twelve, or as otherwise set by the legislature.

(2) The license fee is nonrefundable and is due:

(a) With the license applicant's initial license application packet; and

(b) Annually thereafter, thirty days prior to the anniversary date of the license.

(3) Payment must be in the form of a check or money order.

Background check fees.

(4) Each individual required to obtain a department background check must pay the fee established under chapter 170-06 WAC. The fee must be submitted with the individual's completed and signed background check application form.

(5) Each individual submitting a first-time license application and each individual applying for the first time for a department background check clearance must be fingerprinted and pay the processing fee.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1325, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1350 Liability insurance coverage. (1) The license applicant or licensee must, at the time of licensure and at any inspection, provide to the department proof of insurance or self-insurance as required under RCW 43.215.-535.

(2) The licensee must:

(a) Notify the department when insurance coverage is terminated within thirty days of termination;

(b) Post notice, clearly visible to parents, guardians, volunteers, and staff, when insurance coverage lapses or is terminated; and

(c) Provide written notice to parents when coverage lapses or is terminated within thirty days of lapse or termination.

(3) The department may deny, suspend, revoke, or not continue a license when the licensee fails to comply with the requirements of this section.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1350, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1360 Lead and arsenic hazards—Tacoma smelter plume. A child care facility in the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) must contact the state department of ecology (DOE) and complete a signed access agreement with DOE for further evaluation of the applicant's property and possible arsenic and lead soil sampling.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1360, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1375 Private septic system—Inspection and maintenance. (1) If the licensed premises are served by a private septic system (not connected to a sewer system) the septic system must be maintained in a manner acceptable to the local public health authority.

(2) The licensee must follow the local public health authority's requirements for periodic septic system inspection and maintenance, and keep the inspection and maintenance records on the premises.

(3) If there are no local public health requirements for periodic septic system inspections, the licensee must:

(a) Have the system inspected by a septic system inspector certified by the local health jurisdiction within six months prior to submitting a license application under WAC 170-297-1250 and every three years after a license is issued under this chapter; and

(b) Maintain the septic system as required by the inspection report.

(4) Septic system inspection and maintenance records must be kept on the premises and made available to the department upon request.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1375, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1400 Private well and water system. (1) If the licensed facility gets water from a private well on the premises, the licensee must follow the local public health authority's requirements for periodic water testing, and keep the test records on the premises.

(2) When there are no local public health requirements for periodic water testing, the licensee must:

(a) Test the water for coliform bacteria and nitrates every three years. The test must indicate "safe" levels of coliform bacteria and nitrates as defined by the state department of health; and

(b) Keep the test results records on the premises.

(3) If test results indicate unsafe levels of coliform bacteria or nitrates as defined by the state department of health, the licensee must:

(a) Immediately stop using the well water in the child care and inform the local public health authority and the department;

(b) Take steps required by the local public health authority to repair the well or water system;

(c)(i) If directed by the local public health authority or the department, discontinue child care operations until repairs are made; or

(ii) If the local public health authority and the department determine that child care operations may continue with an alternate source of safe water, provide the safe water as directed; and

(d) Test the water as often as required by the local public health authority until tests indicate safe levels of coliform bacteria and nitrates.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1400, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1410 Department inspection. (1) Prior to the department issuing a license, a department licensor must inspect the proposed indoor and outdoor spaces to be used for child care to verify compliance with the requirements of this chapter.

(2) Access must be granted to the department licensor during the child care hours of operation for the purpose of announced or unannounced monitoring visits to inspect the indoor or outdoor licensed space to verify compliance with the requirements of this chapter.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1410, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1430 Initial license. A child care facility that demonstrates compliance with health and safety requirements of this chapter but may not be in full compliance with all requirements may be issued an initial license.

(1) An initial license is valid for six months from the date issued.

(2) At the department's discretion, an initial license may be extended for up to three additional six month periods not to exceed a total of two years.

(3) The department must evaluate the program staff's ability to follow all of the rules contained in this chapter during the initial license period.

(4) The department may issue a nonexpiring full license to a licensee operating under an initial license who:

(a) Demonstrates full compliance with the health and safety requirements of this chapter at any time during the period of initial licensure;

(b) Demonstrates substantial compliance with other requirements of this chapter at any time; and

(c) Meets the requirements for a nonexpiring full license as provided in WAC 170-297-1450(1).

(5) The department must deny a nonexpiring full license to a licensee operating under an initial license when the licensee does not demonstrate the ability to comply with all the rules contained in this chapter during the initial licensing period.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1430, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1450 Nonexpiring license. (1) To qualify for a nonexpiring full license, a licensee must submit the following to the department on an annual basis, at least thirty calendar days prior to the anniversary date (the date the first license is issued) of the license:

(a) The annual nonrefundable license fee as provided in WAC 170-297-1325(1);

(b) A declaration to the department on a department-approved form indicating:

(i) The licensee's intent to continue operating a licensed child care program; or

(ii) The licensee's intent to cease operation on a date certain;

(c) A declaration on a department-approved form that the licensee is in compliance with all department licensing rules; and

(d) Documentation of completed background check applications as determined by the department established schedule as provided in RCW 43.215.215 (2)(f). For each individual required to have a background check clearance, the licensee must verify a current background check clearance or submit a background check application at least thirty days prior to the license anniversary date.

(2) The requirements of subsection (1) of this section must be met:

(a) Before a licensee operating under an initial license is issued a nonexpiring full license; and

(b) Every twelve months after issuance of a nonexpiring full license.

(3) If the licensee fails to meet the requirements in subsection (1) of this section for continuation of a nonexpiring full license, the license expires and the licensee must submit a new application for licensure.

(4) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practice.

(5) A licensee has no right to an adjudicated proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a nonexpiring full license as a result of the licensee's failure to comply with the requirements of this section.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1450, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1525 Change in circumstances. (1) The licensee must report the following changes in the licensee's circumstances to the department within twenty-four hours:

(a) Fire or other structural damage to the licensed child care space or other parts of the premises;

(b) When the licensee becomes aware of a charge or conviction against the licensee or a staff person and the charge or conviction is a disqualifying crime under WAC 170-06-0120;

(c) When the licensee becomes aware of an allegation or finding of abuse or neglect of a child or vulnerable adult made against the licensee or a staff person. The licensee must also report the change in circumstances to the department of social and health services children's administration within twenty-four hours;

(d) Resignation or termination of the program director or site coordinator.

(2) The licensee must notify the department ninety days prior to the following:

(a) Making structural changes to the licensed space;

(b) Changing licensed space usage; and

(c) Requesting a change of capacity.

(3) The licensee must notify the department when liability insurance coverage is terminated within thirty days of termination.

(4) An updated floor plan must be submitted and approved by the department.

(5) A fire marshal visit is required for change of circumstances listed in subsections (1)(a) and (2) of this section.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1525, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1625 Exception to rule. (1) The department cannot waive a requirement in state or federal law.

(2) The department may approve an exception to a rule in this chapter.

(3) An exception to rule request must be:

(a) In writing on a department form;

(b) Submitted to the licensor; and

(c) Approved by the director or director's designee.

(4) The department may approve an exception only for a specific purpose or child.

(5) An exception is time limited and may not exceed the specific time period approved by the department.

(6) If the exception request is approved, the notice of the approved exception must be posted with other notices for parent and public view, unless the exception is for a specific child.

(7) The department may approve an alternate method of achieving a specific requirement's intent as an exception to rule.

(a) The alternate method must not jeopardize the health, safety or welfare of the children in care.

(b) A copy of the department approved exception must be posted on the premises for parent and public view.

(8) The department's denial of an exception request is not subject to appeal under chapter 170-03 WAC.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1625, filed 11/19/12, effective 12/20/12.]

STAFF QUALIFICATIONS

WAC 170-297-1710 Program director. (1) The licensee must serve as or employ a program director who is responsible for the overall management of the child care program and operation.

(2) The program director must have the understanding, ability, physical health, emotional stability and good judgment to meet the needs of the children in care.

(3) The program director must:

(a) Be at least twenty-one years of age;

(b) Have two years' experience in management, supervision, or leadership;

(c) Attend a department orientation within six months of employment or assuming the position;

(d) Have a TB test as required under WAC 170-297-1750;

(e) Have a background clearance as required under chapter 170-06 WAC;

(f) Have current CPR and first-aid certification as required under WAC 170-297-1825;

(g) Complete HIV/AIDS training and annual bloodborne pathogens training as required under WAC 170-297-1850;

(h) Have a high school diploma or equivalent;

(i) Have a minimum of forty-five college credits (or thirty college credits and one hundred fifty training hours) in approved school-age credits as specified in the Washington state guidelines for determining related degree and approved credits; and

(j) Have completed basic STARS training or possess an exemption.

(4) A program director must be on the premises as needed.

(5) When the program director is not on-site the program director must leave a competent, designated staff person in charge. This staff person must meet the qualifications of a site coordinator and may also serve as child care staff when that role does not interfere with management and supervisory responsibilities.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-046, § 170-297-1710, filed 12/9/14, effective 1/9/15. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1710, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1715 Site coordinator. (1) A child care program may employ a site coordinator responsible for being on-site with children, program planning, and program implementation. The site coordinator must provide regular supervision of staff and volunteers.

(2) The site coordinator must have the understanding, ability, physical health, emotional stability and good judgment to meet the needs of the children in care.

(3) Site coordinator staff must:

(a) Be twenty-one years of age;

(b) Have two years management experience in a related field;

(c) Attend a department orientation within six months of employment or assuming the position;

(d) Have a high school diploma or equivalent;

(e) Have completed thirty college credits in approved school-age credits as specified in the Washington state guidelines for determining related degree and approved credits, or twenty college credits and one hundred clock hours of related community training;

(f) Have completed basic STARS training or possess an exemption;

(g) Complete ongoing training hours as required under WAC 170-297-1800;

(h) Develop an individual training plan;

(i) Have a food worker card, if applicable; and

(j) Attend an agency orientation as required under WAC 170-297-5800.

(4) A site coordinator must be on the premises for the majority of hours that care is provided each day. If temporarily absent from the program, the site coordinator must leave a competent, designated staff person in charge who meets the qualifications of a site coordinator.

(5) The site coordinator may also serve as child care staff when the role does not interfere with management and supervisory responsibilities.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-046, § 170-297-1715, filed 12/9/14, effective 1/9/15. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1715, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1720 Lead teachers. (1) Lead teachers may be employed to be in charge of a child or a group of children.

(2) The lead teacher must have the understanding, ability, physical health, emotional stability and good judgment to meet the needs of the children in care.

(3) Lead teachers must:

(a) Be eighteen years of age or older;

(b) Have one year experience in school-age care;

(c) Have a TB test as required under WAC 170-297-1750;

(d) Have a background clearance as required under chapter 170-06 WAC;

(e) Have current CPR and first-aid certification as required under WAC 170-297-1825;

(f) Complete HIV/AIDS training and annual bloodborne pathogens training as required under WAC 170-297-1850;

(g) Have a high school diploma or equivalent;

(h) Complete basic STARS training within three months of assuming the position of lead teacher;

(i) Complete ongoing training hours as required under WAC 170-297-1800;

(j) Have a food worker card, if applicable; and

(k) Attend an agency orientation as required under WAC 170-297-5800.

(4) Lead teachers are counted in the staff-to-child ratio.

(5) When the site coordinator is off-site or unavailable, lead teachers may assume the duties of site coordinator when they meet the site coordinator minimum qualifications, and may also serve as child care staff when the role does not interfere with management and supervisory responsibilities.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-046, § 170-297-1720, filed 12/9/14, effective 1/9/15; WSR 13-23-075, § 170-297-1720, filed 11/19/13, effective 12/20/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1720, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1730 Program assistants. (1) Program assistants may be employed to assist in program and curriculum under the direction of a lead teacher or higher.

(2) Program assistants under eighteen years of age must not be left in charge of a group of children and may care for children only under direct, visual or auditory supervision by a lead teacher or higher.

(3) Program assistants eighteen years of age or older may have sole responsibility for a child or group of children for a brief period of time when there is a staff person on the premises who meets the lead teacher qualifications.

(4) Program assistants must have the understanding, ability, physical health, emotional stability and good judgment to meet the needs of the children in care.

(5) Program assistants must:

(a) Be sixteen years of age or older;

(b) Have a TB test as required under WAC 170-297-1750;

(c) Have a background clearance as required under chapter 170-06 WAC;

(d) Have current CPR and first-aid training as required under WAC 170-297-1825;

(e) Complete HIV/AIDS training and annual bloodborne pathogens training as required under WAC 170-297-1850;

(f) Have a food worker card, if applicable; and

(g) Attend an agency orientation as required under WAC 170-297-5800.

(6) Program assistants are counted in the staff-to-child ratio.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1730, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1735 Volunteers. (1) The licensee may utilize volunteers who assist in the program under the direct supervision of the program implementation staff.

(2) The volunteers must have the understanding, ability, physical health, emotional stability and good judgment to meet the needs of the children in care.

(3) The volunteer must:

(a) Be sixteen years of age or older;

(b) Have a background check as required under chapter 170-06 WAC;

(c) Attend an agency orientation as required under WAC 170-297-5800;

(d) Have an employment application on file; and

(e) Have a food worker card, if applicable.

(4) It is recommended, but not required, that volunteers have the following:

(a) CPR and first-aid certification;

(b) HIV/AIDS training and annual bloodborne pathogen training; and

(c) TB test.

(5) The volunteer may be counted in the staff-to-child ratio if the volunteer meets all program assistant qualifications, but must be under the direct supervision of the program implementation staff.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1735, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1745 Staff meetings. Staff meetings must be conducted no less than twice per calendar year for planning and program operation. Written documentation of the staff meetings, including content and attendees of each meeting, must be kept on file.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1745, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1750 Tuberculosis. (1) Each staff person must provide documentation signed by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:

(a) A negative Mantoux test (also known as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed within twelve months before license application or employment; or

(b) A previous or current positive TST or positive IGRA with documentation within the previous twelve months:

(i) Of a chest X ray with negative results; or

(ii) Showing that the individual is receiving or has received therapy for active or latent TB disease and is cleared to safely work in a child care setting. As used in this section, "latent TB" means when a person is infected with the TB germ but has not developed active TB disease.

(2) A TB test or chest X ray may not be required if it is against the health care provider's advice. Documentation that includes a health screening must be signed by the health care

professional and submitted that indicates the TB test or chest X ray is not necessary.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1750, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1775 Basic STARS training. (1) Prior to working unsupervised with children the director, site coordinator, and lead teacher must register in MERIT.

(2) The director, site coordinator, and lead teacher must complete the basic STARS training within three months of assuming the position.

(3) If the director, site coordinator, or lead teacher qualifies for an exemption to the STARS training requirement, he or she must request an exemption to the requirement within ten days of assuming the position.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-046, § 170-297-1775, filed 12/9/14, effective 1/9/15; WSR 13-23-075, § 170-297-1775, filed 11/19/13, effective 12/20/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1775, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1800 Ongoing training. (1) The director, site coordinator and lead teachers must complete a minimum of ten hours of STARS ongoing training yearly.

(2) Any staff that exceeds the ten-hour ongoing training requirement in any year may carry over up to five hours of ongoing training toward meeting the next year's requirement.

(3) The training may include:

(a) Staff person's choice of training; and

(b) Department directed training.

(4) The program director and on-site coordinator must take five hours of training each year in program management and administration for the first two years in these positions.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1800, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1820 Program provided training. The program staff must be provided with the following training:

(1) Child/adolescent growth and development;

(2) Learning environment and curriculum;

(3) Child observation and assessment;

(4) Families, communities, and schools;

(5) Safety and wellness;

(6) Interactions with children/youth;

(7) Program planning and development;

(8) Professional development and leadership;

(9) Cultural competency and responsiveness;

(10) Youth empowerment; and

(11) Other training as appropriate.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1820, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1825 First-aid and cardiopulmonary resuscitation (CPR) certification. (1) Each staff person must have a current first-aid and cardiopulmonary resuscitation (CPR) certification as established by the expiration date of the document.

(2) Proof of certification may be a card, certificate or instructor letter.

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

(a) Be certified by the American Red Cross, American Heart Association, American Safety and Health Institute, or other nationally recognized certification approved by the department;

(b) Include child and adult CPR; and

(c) Include a hands-on component.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1825, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1850 HIV/AIDS training—Bloodborne pathogens plan. (1) Each staff person must complete a one-time training approved by DOH under chapter 70.24 RCW on the prevention and transmission of HIV/AIDS (human immunodeficiency virus/acquired immunodeficiency syndrome).

(2) The licensee must have a written bloodborne pathogens exposure control plan that includes:

(a) A list of the staff and volunteers providing child care who may be exposed to bloodborne pathogens; and

(b) Procedures for cleaning up bodily fluid spills (blood, feces, nasal or eye discharge, saliva, urine, or vomit), including the use of gloves, proper cleaning and disinfecting of contaminated items, disposal of waste materials, and handwashing.

(3) Staff must be trained in the bloodborne pathogens exposure control plan annually and the licensee must document this training in individual personnel files.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1850, filed 11/19/12, effective 12/20/12.]

WAC 170-297-1925 Assistants and volunteers—Supervision. (1) The licensee or designee is responsible for supervision of program staff.

(2) The licensee or designee must be aware of what staff are doing and available and able to respond if the need arises to protect the health and safety of the children.

(3) When supervising assistants and volunteers, the licensee or designee must be within visual or auditory range of an assistant or volunteer.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-1925, filed 11/19/12, effective 12/20/12.]

RECORDKEEPING, REPORTING AND POSTING

WAC 170-297-2000 Recordkeeping—Records available to the department. The licensee must keep all records required in this chapter for a minimum of five years:

(1) All records from the previous twelve months must be kept in the licensed space as defined in WAC 170-297-0010 and be available immediately for the department's review.

(2) Records older than twelve months to five years old must be provided to the department within two weeks of the date of the department's written request.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2000, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2025 Child records—Confidentiality. (1) Records for all children must be kept in a confidential manner.

(2) Each enrolled child's health record must be available to staff when needed for medical administration or emergencies.

(3) A child's parent or guardian must be allowed access to all records for their child.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2025, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2050 Child records—Contents. (1) An enrollment record is required for every child who is enrolled and counted in capacity. Each child's enrollment record must include the following:

(a) The child's beginning enrollment date;

(b) End of enrollment date for children no longer in the licensee's care;

(c) The child's birth date;

(d)(i) The child's current immunization record, on a DOH certificate of immunization status (CIS) form signed by the parent or guardian; or

(ii) A DOH certificate of exemption (COE) form signed by the parent for religious, philosophical, or personal exemption; or

(iii) A DOH certificate of exemption (COE) form signed by the parent and a health care professional for a medical exemption;

(e) The child's health history that includes:

(i) Known health conditions such as allergies, asthma, and diabetes;

(ii) Date of last physical exam; and

(iii) Date of last dental exam;

(f) Names, phone numbers, and addresses of persons authorized to pick up the child;

(g) Emergency contacts. If no emergency contact is available, a written emergency contact plan may be accepted;

(h) Parent or guardian information including name, phone numbers, address, and contact information for reaching the family while the child is in care;

(i) Medical and dental care provider names and contact information, if the child has providers. If the child has no medical or dental provider, the parent or guardian must provide a written plan for medical or dental injury or incident; and

(j) 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.

(2) If applicable, a child's records must include:

(a) Injury/incident reports (see WAC 170-297-3575 and 170-297-3600);

(b) A medication authorization and administration log (see WAC 170-297-3375);

(c) A plan for special or individual needs of the child (see WAC 170-297-0050); and

(d) Documentation of use of physical restraint (see WAC 170-297-6250).

(3) The child's records must include signed parent permissions (see WAC 170-297-6400) as applicable for:

(a) Field trips;

(b) Transportation; and

(c) Visiting health professionals providing services to the child at the child care program site.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2050, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2075 Staff records. Records for each staff person must include documentation of:

(1) Current first aid, child and adult CPR training certification;

(2) Bloodborne pathogens training certification;

(3) HIV/AIDS training certification;

(4) TB test results or documentation as required under WAC 170-297-1750;

(5) Current state food worker card for staff if required under WAC 170-297-7675;

(6) Completed background check form if applicable under WAC 170-297-1200 and a copy of the department-issued authorization letter;

(7) Copy of a current government issued picture identification;

(8) Emergency contact information;

(9) Completed application form or resume for staff when hired;

(10) Documentation for staff of:

(a) Basic STARS training;

(b) Ongoing training completed; and

(c) Registration in MERIT;

(11) Record of training provided to staff and volunteers.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 15-01-046, § 170-297-2075, filed 12/9/14, effective 1/9/15. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2075, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2125 Child attendance records—Staff-to-child ratio records. The following records must also be kept on file:

(1) Daily attendance for each child counted in capacity that includes the:

(a) Child's dates of attendance;

(b) Time the child arrives or returns to the child care facility, including the signature of the person authorized by the child's parent or guardian to sign the child in; and

(c) Time the child leaves the child care facility including signature of the authorized person to sign the child out.

Staff must sign a child in/out where the parent or guardian has given specific written permission that would allow that child to leave the facility.

(2) Names of staff being counted to meet the daily staff-to-child ratio requirements.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2125, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2150 Facility records. The following facility records must be kept:

(1) Fire extinguisher annual maintenance or receipts indicating annual purchase of new fire extinguisher(s), under WAC 170-297-3000;

(2) Septic system inspection and maintenance, if required under WAC 170-297-1375;

(3) Water testing results if required under WAC 170-297-1400;

(4) Emergency preparedness evacuation drill records under WAC 170-297-2925;

(5) Documents from any department visits, inspections, or monitoring checklists; and

(6) As applicable, compliance agreements or safety plans between the licensee and the department.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2150, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2175 Materials that must be posted. The following must be posted in the licensed space during operating hours and clearly visible to the parents, guardians, volunteers, and staff:

(1) A statement of the child care program philosophy of child development;

(2) Emergency information posted adjacent to the telephone, including:

(a) 911 or emergency services number;

(b) Name of the child care program, telephone number(s), address, and directions from the nearest major arterial street or nearest cross street to the child care program;

(c) Washington poison center toll-free phone number; and

(d) DSHS children's administration intake (child protective services) toll-free telephone number;

(3) Emergency preparedness plan and drills posted near each emergency exit door with the following information:

(a) Dates and times of previous drills;

(b) Procedure for sounding alarm;

(c) Monthly smoke detector check;

(d) Annual fire extinguisher check;

(e) Floor plan, with emergency exits and emergency exit pathways identified; and

(f) Emergency medical information or explanation of where that information can be found;

(4) Child care licensing information, including:

(a) The current department-issued child care license;

(b) Staff names and work hours; and

(c) If applicable, a copy of current department-approved exceptions to the rules;

(5) Food menus;

(6) If applicable, notice of any current or pending department enforcement action. Notice must be posted:

(a) Immediately upon receipt; and

(b) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(7) Notice that the licensee does not have the liability insurance coverage required under WAC 170-297-1350, or that the coverage is lapsed or terminated, if applicable;

(8) A notice stating that additional information about the child care license is available upon request. This information must include:

(a) Copies of department monitoring checklists;

(b) If applicable, any facility licensing compliance agreements (FLCA); and

(c) If applicable, a copy of any enforcement action taken by the department for the previous three years;

(9) A typical daily schedule as described in WAC 170-297-6575; and

(10) Current lesson plans.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2175, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2200 Reporting incidents to 911 (emergency services). The following must be reported immediately to 911 emergency services by the licensee or designee:

(1) A child missing from care, as soon as the staff realizes the child is missing;

(2) Medical emergency (injury or illness) that requires immediate professional medical care;

(3) Incorrect administration of any medication, except nonprescription topical creams or ointments;

(4) Overdose of any oral, inhaled or injected medication;

(5) Fire and other emergencies;

(6) Poisoning or suspected poisoning; and

(7) Other incidents requiring emergency response.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2200, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2225 Reporting incidents to Washington poison center. The licensee or designee must immediately report the following to the Washington poison center, after calling 911, and must follow any instructions from the poison center:

(1) Any poisoning or suspected poisoning;

(2) A child receiving too much of any oral, inhaled or injected medication; and

(3) A child taking or receiving another child's medication.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2225, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2250 Reporting incidents to a child's parent or guardian and the department. (1) The licensee or designee must report to a child's parent or guardian and the department:

(a) Immediately:

(i) Any incident reported under WAC 170-297-2200, after calling 911;

(ii) Any incident reported under WAC 170-297-2225, after calling 911 and Washington poison center;

(iii) A child's demonstrated acts, gestures or behaviors that may cause serious intentional harm to self, others or property; and

(iv) Use of physical restraint on a child;

(b) Within twenty-four hours:

(i) Injury or other health concern to a child that does not require professional medical treatment (report to parent only);

(ii) Change in child care staff that may impact child care staffing;

(iii) Change in the program phone number or e-mail; and

(iv) Child's exposure to a reportable contagious disease from the list in WAC 246-110-010.

(2) The licensee must notify the department when liability insurance coverage terminates within thirty days of termination.

(3) The licensee must give a child's parent or guardian written notice when liability insurance coverage lapses or is terminated within thirty days of lapse or termination.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-23-075, § 170-297-2250, filed 11/19/13, effective 12/20/13.

Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2250, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2275 Other incident reporting to the department. (1) The licensee or designee must report to the department any of the incidents or changes as required under WAC 170-297-2200, or 170-297-2225, 170-297-2250, 170-297-2300, and 170-297-2325.

(2) Regarding the licensee, staff, or volunteers, the licensee or designee must report to the department within twenty-four hours any:

(a) Pending charge or conviction for a crime listed in WAC 170-06-0120;

(b) Allegation or finding of child abuse or neglect under chapter 26.44 or 74.15 RCW;

(c) Allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or

(d) Pending charge, conviction, or negative action from outside Washington state consistent with or the same crime listed in WAC 170-06-0120, or the definition of "negative action" as defined in RCW 43.215.010.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2275, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2300 Reporting to DSHS children's administration intake. The licensee or designee is required to report the following to DSHS children's administration intake-child protective services (CPS) or law enforcement as required under RCW 26.44.030, and to the licensor:

(1) Any suspected child abuse or neglect;

(2) A child's disclosure of sexual or physical abuse;

(3) Inappropriate sexual contact between two or more children;

(4) A child's attempted suicide or talk about attempting suicide; and

(5) Death of a child while in care or from injury or illness that may have occurred while the child was in care.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2300, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2325 Notifiable conditions. (1) The licensee or designee must report a staff person, volunteer, or child diagnosed with a notifiable condition as defined in chapter 246-101 WAC to the local health jurisdiction or the state department of health.

(2) Contact the local health jurisdiction for the list of notifiable conditions and reporting requirements.

(3) A person must be excluded from the program when diagnosed with a notifiable condition and must not return to the program until approved to do so by the local health officer.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2325, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2350 Policies. (1) The child care program must have written policies for:

(a) Parents and guardians, also known as the parent handbook;

(b) Program and staff.

(2) All policies must be submitted to the department.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2350, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2375 Parent/guardian policies (handbook). The written parent/guardian policies (handbook) must include:

(1) Hours of operation including closures and vacations;

(2) Information on how children's records are kept current, including immunization records;

(3) Enrollment and disenrollment process;

(4) Access to children during child care hours;

(5) Program philosophy (the program's view of child learning and development);

(6) Typical daily schedule, including sample curriculum;

(7) The program's policy on use of media such as movies, television, computers and music, in child learning and development;

(8) Communication plan with parents/guardians including:

(a) How the parent or guardian may contact the child care program staff with questions or concerns;

(b) How the child care program staff will communicate the child's progress with the parent or guardian at least twice a year; and

(c) How the child care program staff will work with parents to support the child;

(9) Written plan for any child's specific needs, if applicable;

(10) Fee and payment plans;

(11) Nondiscrimination statement, including Americans with Disabilities Act statement;

(12) Cultural awareness activities;

(13) Religious activities and how families' specific religious preferences are addressed;

(14) How holidays are recognized in the program;

(15) Confidentiality policy, including when information may be shared. See WAC 170-297-2025;

(16) Items that the licensee requires the parent or guardian to provide;

(17) Guidance and discipline policy. See WAC 170-297-6050;

(18) Reporting suspected child abuse or neglect;

(19) Food service practices, including:

(a) Meal and snack schedule;

(b) How child food preferences are addressed; and

(c) Guidelines on food brought from the child's home;

(20) Off-site field trips requirements. See WAC 170-297-2450;

(21) Transportation requirements. See WAC 170-297-6475;

(22) Staffing plan;

(23) Access to staff training and professional development records;

(24) Health care and emergency preparedness policies including:

(a) Emergency preparedness and evacuation plans. See WAC 170-297-2825 and 170-297-2850;

(b) Injury or medical emergency response and reporting;

(c) Medication management including storage and dispensing. See WAC 170-297-3325;

(d) Exclusion/removal policy of ill persons. See WAC 170-297-3210;

(e) Reporting of notifiable conditions to public health;

(f) Immunization tracking. See WAC 170-297-3250; and

(g) Infection control methods, including:

(i) Handwashing (WAC 170-297-3625) and, if applicable, hand sanitizers (WAC 170-297-3650); and

(ii) Cleaning and sanitizing procedures including the sanitizing method and products used. See WAC 170-297-3850 through 170-297-3925;

(25) Nonsmoking policy. See WAC 170-297-4050;

(26) Drug and alcohol policy. See WAC 170-297-4025; and

(27) A signature page with parent/guardian signature documenting that the parent/guardian has received the handbook policies. The signature page must be kept on file on the premises.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2375, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2400 Program/operations policies. (1) The child care program must have written program/operations policies that include:

(a) All information in the parent/guardian handbook under WAC 170-297-2375;

(b) Plans to keep required program/staff records current;

(c) Child supervision requirements;

(d) Mandatory reporting requirement of suspected child abuse and neglect and other incidents under WAC 170-297-2300;

(e) A plan for off-site field trips;

(f) A plan for transporting children;

(g) Medical emergency, fire, disaster and evacuation responsibilities;

(h) Guidance and discipline responsibilities; and

(i) A plan for staff to include:

(i) Staff responsibilities;

(ii) Staff training;

(iii) Staff expectations; and

(iv) Professional development.

(2) Program/operations policies may be integrated with staff policies required under WAC 170-297-2425 in a single written policy document.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2400, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2425 Staff policies. (1) The child care program must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:

(a) All the information in the parent/guardian handbook under WAC 170-297-2375, except fees;

(b) A plan for keeping staff records current including:

(i) Completed background check forms and department clearance letters;

(ii) First-aid and CPR certification;

(iii) TB test results;

(iv) Required training and professional development for staff persons; and

(v) Training that the licensee must provide to staff;

(c) Job descriptions;

(d) Staff responsibilities for:

(i) Child supervision requirements;

(ii) Guidance/discipline techniques;

(iii) Food service practices;

(iv) Off-site field trips;

(v) Transporting children;

(vi) Health, safety and sanitization procedures;

(vii) Medical emergencies, fire, disaster and evacuations; and

(viii) Mandatory reporting of suspected child abuse and neglect.

(2) The licensee or designee must keep documentation of all staff training on policies.

(3) Staff policies may be integrated with program/operations policies required under WAC 170-297-2400 in a single written policy document.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2425, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2450 Off-site activity policy. A written policy for off-site activities is required and must include:

(1) Parent notification and permissions. See WAC 170-297-6400;

(2) Supervision plan;

(3) Transportation plan. See WAC 170-297-6475;

(4) Emergency procedures including bringing each child's:

(a) Emergency contact information;

(b) Medical records;

(c) Individual medications for children who have them; and

(d) Medication administration log;

(5) Medication management;

(6) A policy for maintaining a complete first-aid kit; and

(7) A policy for charging of fees, if any.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2450, filed 11/19/12, effective 12/20/12.]

FIRE AND EMERGENCY PREPAREDNESS

WAC 170-297-2575 Combustible and flammable materials. (1) The licensee must not allow combustible materials (including, but not limited to, lint, or rags soaked in grease, oils, or solvent) to accumulate; these items must be removed from the building or stored in a closed metal container.

(2) The licensee must store items labeled "flammable," in areas that are inaccessible to children and away from exits.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2575, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2600 Furnaces and other heating devices. (1) The licensee must keep paper, rubbish, or combustible materials at least three feet away from any furnace, fireplace, or other heating device.

(2) Furnaces must be inaccessible to the children, isolated, enclosed or protected.

(3) Any appliance or heating device that has a hot surface capable of burning a child must be made inaccessible to the children in care during operating hours when the appliance or device is in use or is still hot after use.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2600, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2625 Electrical motors. The licensee must keep electrical motors on appliances free of accumulated dust or lint.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2625, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2675 Open flame devices, candles, matches and lighters. (1) The licensee must not use or allow the use of open flame devices in the licensed space or any space accessible to the children during operating hours.

(2) The licensee must not use or allow the use of candles during operating hours.

(3) The licensee must keep matches and lighters inaccessible to children.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2675, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2700 Emergency flashlight. The licensee must have a working flashlight available for use as an emergency light source. The licensee must have extra batteries if the flashlight is powered by batteries.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2700, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2725 Portable heaters and generators. (1) The licensee must not use or allow the use of portable heaters or fuel-powered generators in any area inside of licensed space during operating hours.

(2) When a portable fuel-powered generator is in use:

(a) The generator must be placed at least fifteen feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the licensed space; and

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

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2725, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2775 Telephone. (1) The licensee must have a working telephone in the licensed space.

(2) The licensee must have a telephone readily available with sufficient backup power to function for at least five hours in the event of an electrical power outage.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2775, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2825 Fire evacuation plan. (1) If there is a fire during child care operating hours, the licensee's and program staff's first responsibility is to evacuate the children to a safe place outside.

(2) The licensee or designee must develop a written fire evacuation plan and post it at a place that is clearly visible to the staff, parents, guardians, and volunteers. The evacuation plan must be evaluated annually and updated as needed.

(3) The evacuation plan must include:

(a) An evacuation floor plan that identifies emergency exit pathways, emergency exit doors, and emergency exit windows;

(b) Method(s) to be used for sounding an alarm;

(c) Actions to be taken by the person discovering the fire;

(d) A written description of how the licensee or program staff will evacuate all children, including nonambulatory children;

(e) Calling 911 after evacuating the children;

(f) How the licensee or program staff will account for all of the children in attendance;

(g) Where children and program staff will gather away from the building pending arrival of the fire department or emergency response; and

(h) How the licensee or designee will inform parents or guardians and arrange pick up of children if needed.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2825, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2850 Disaster plan. (1) The licensee must have a written disaster plan for emergencies other than fire. The plan must be:

(a) Reviewed by the licensee annually and updated as needed;

(b) Reviewed by program staff annually or when updated, with signature documentation of review; and

(c) Reviewed with parents or guardians when a child is enrolled, and when the plan is updated.

(2) The written disaster plan must cover at minimum the following:

(a) For disasters that may require evacuation:

(i) How the licensee or program staff will evacuate all children, especially those who are nonambulatory;

(ii) What to take when evacuating the children, including:

(A) First-aid kit;

(B) Child medication records; and

(C) If applicable, individual children's medication;

(iii) Where to go;

(iv) How the licensee and program staff will account for all of the children in attendance; and

(v) How the children will be reunited with their parents or guardians after the event;

(b) Earthquake procedures including:

(i) What the licensee or program staff will do during an earthquake;

(ii) How the licensee or program staff will account for all of the children in attendance; and

(iii) After an earthquake, how the licensee or designee will assess whether the licensed space is safe for the children;

(c) Lockdown of the facility or shelter-in-place, including:

(i) How doors and windows will be secured if needed; and

(ii) Where children will stay safely inside the facility; and

(d) How parents and guardians will be contacted after the emergency situation is over.

(3) The licensee must keep on the premises a three-day supply of food, water, and medications required by individual

children for use in a disaster, lockdown, or shelter-in-place incident.

(4) As used in this section, "lockdown" means to remain inside the child care facility when police or an official emergency response agency notifies the licensee or program staff that it is unsafe to leave the facility or be outdoors during an emergency situation.

(5) As used in this section, "shelter-in-place" means an identified neighborhood location that the licensee or program staff must take the children to during an emergency situation.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2850, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2875 Fire, disaster training for staff and volunteers. (1) The licensee or designee must provide fire, evacuation, and disaster training for all program staff and volunteers when the individual is first employed, when the training content is updated, and at least once each calendar year. The training must include:

(a) All elements of the fire, evacuation and disaster plans;

(b) Operation of the fire extinguishers;

(c) How to test the smoke detectors and carbon monoxide detectors and replace detector batteries, if required; and

(d) Program staff responsibilities in the event of a fire or disaster.

(2) The training must be documented in the program staff's or volunteer's personnel file.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2875, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2900 Emergency drills. The licensee and program staff must practice emergency drills with the children as follows:

(1) Fire/evacuation drill: Once each calendar month;

(2) Earthquake or lockdown/shelter-in-place drill: Once every three calendar months; and

(3) Emergency drills must be conducted during different times of the day.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2900, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2925 Record of emergency drills. The licensee or designee must keep records of emergency drills performed and post the records as required in WAC 170-297-2175. Records must include:

(1) The date and time the drill took place;

(2) Program staff who participated;

(3) Number of children who participated;

(4) Length of drill; and

(5) Notes about how the drill went and improvements, if any, that need to be made.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2925, filed 11/19/12, effective 12/20/12.]

WAC 170-297-2975 Additional method to sound an alarm. The licensee must have an additional method to sound an alarm that is used only in a fire, emergency situation, or drill.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-2975, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3000 Fire extinguishers. (1) The licensee must have working fire extinguishers, readily available. A fire extinguisher must be:

(a) Located on each level of the licensed premises used for child care; and

(b) Mounted:

(i) Within seventy-five feet of an exit; and

(ii) Along the path of an exit.

(2) A fire extinguisher may be mounted in a closed unlocked closet. There must be:

(a) A sign on the closet door to indicate that a fire extinguisher is mounted inside; and

(b) No obstructions blocking access to the closet.

(3) The licensee must have documentation on file of annual:

(a) Fire extinguisher maintenance; or

(b) Proof of purchasing new extinguishers.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3000, filed 11/19/12, effective 12/20/12.]

HEALTH

WAC 170-297-3200 Health plan. (1) A written health plan must be in place for the program and contain the following:

(a) Contagious disease notification under WAC 170-297-3210;

(b) Exclusion of ill person under WAC 170-297-3210;

(c) Exclusion of person diagnosed with a notifiable condition under WAC 170-297-2325;

(d) Immunization tracking under WAC 170-297-3250 through 170-297-3300;

(e) Medication management under WAC 170-297-3315 through 170-297-3550;

(f) Medication storage under WAC 170-297-3325;

(g) Injury treatment under WAC 170-297-3575 through 170-297-3600;

(h) Abuse and neglect protection and training under WAC 170-297-6275;

(i) Caring for children with special needs under WAC 170-297-0050;

(j) Care for animals on the premises;

(k) Handwashing and hand sanitizers under WAC 170-297-3625 through 170-297-3650;

(l) Food and food services;

(m) How general cleaning will be provided and how areas such as food contact surfaces, kitchen equipment, toys, and toileting equipment, will be cleaned and sanitized; and

(n) Cleaning and sanitizing laundry under WAC 170-267-3850.

(2) The health plan must be reviewed and dated by a physician, a physician's assistant, or a registered nurse and submitted to the department every three years.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-23-075, § 170-297-3200, filed 11/19/13, effective 12/20/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3200, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3210 Contagious disease procedure. (1) When a licensee or program staff person becomes aware that any program staff person or child in care has been diagnosed with any of the contagious diseases as defined in WAC 246-110-010, the licensee or designee must:

(a) Notify parents or guardians of each of the children in care within twenty-four hours; and

(b) Follow the health policy before providing care or before readmitting the program staff person or child into the child care.

(2) The licensee's health policy must include provisions for excluding or separating a child or program staff person with a contagious disease. Children with any of the following symptoms must be excluded from care until guidelines permit readmission:

(a) Fever of one hundred one degrees Fahrenheit or higher measured orally, or one hundred degrees Fahrenheit or higher measured under the armpit (axially), if the individual also has:

(i) Earache;

(ii) Headache;

(iii) Sore throat;

(iv) Rash; or

(v) Fatigue that prevents the individual from participating in regular activities;

(b) Vomiting that occurs two or more times in a twenty-four hour period;

(c) Diarrhea with three or more watery stools, or one bloody stool, in a twenty-four hour period; or

(d) Drainage of thick mucus or pus from the eye.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-23-075, § 170-297-3210, filed 11/19/13, effective 12/20/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3210, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3250 Immunization tracking. The licensee or designee is required to track each child's immunization status in accordance with WAC 246-105-060. The child care program must:

(1) Keep all DOH approved forms described in WAC 246-105-050 for each enrolled child;

(2) Keep a list of currently enrolled children with medical, religious, philosophical, or personal immunization exemptions. This list must be sent to the local health department upon request;

(3) Return the department of health CIS or applicable form to the parent when the child is withdrawn from the child care program. A child care program may not withhold from the parent a child's health department-approved form for any reason, including nonpayment of child care program fees; and

(4) Provide access to immunization records of each child enrolled to agents of the state or local health department.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3250, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3275 Accepting a child who does not have current immunizations. (1) The child care program may accept a child who is not current with immunizations on a conditional basis if immunizations are:

(a) Initiated before or on enrollment; and

(b) Completed as soon as medically possible.

(2) The child care program must have on file a document signed and dated by the parent or guardian stating when the child's immunizations will be brought up to date.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3275, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3300 Immunizations—Exemption. The child care program may accept a child without any immunizations if the parent or guardian provides a DOH certificate of exemption form indicating a medical, religious, philosophical, or personal exemption as provided in WAC 246-105-060.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3300, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3315 Medication management. (1) The child care program's health care policy must include:

(a) Medication management;

(b) Safe medication storage; and

(c) Whether the licensee chooses to give medications to children in care.

(2) If the licensee chooses to give medications to children in care, the program policy must include:

(a) How giving medications will be documented (medication log), including documenting when a medication is given or not given as prescribed or as indicated on the permission form; and

(b) Permission to give medications to a child signed by the child's parent or guardian, and by a licensed medical professional when appropriate.

(3) Only a trained and authorized program staff person may give medication or observe a child taking his or her own medication as described in WAC 170-297-3550.

(4) Prior to being authorized to give medications to children in care, the licensee or trained and authorized program staff person must complete medication management training.

(5) If the licensee chooses not to give any medications to children in care, the licensee or designee must inform parents in the parent/guardian handbook.

(6) If the licensee or program staff person decides not to give a specific medication to a child after having received written permission by the child's parent or guardian, the licensee or program staff person must immediately notify the parent or guardian of the decision to not give the medication.

(7) The licensee and program staff must make reasonable accommodations and give medication if a child has a condition where the Americans with Disabilities Act (ADA) would apply.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3315, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3325 Medication storage. (1) The licensee and program staff must store all medications, as well as vitamins, herbal remedies, dietary supplements, and pet medications as described in the following table:

(a) In a locked container or cabinet until used; or

(b) Inaccessible to children. The licensee must keep emergency rescue medications listed in subsection (3)(a)(i) through (vi) of this section inaccessible but available for

emergency use to meet the individual's emergency medical needs.

(2) The licensee and program staff must store all controlled substances in a locked container.

Medication Storage Table			
This list is not inclusive of all possible items in each category. Medications must be maintained as directed on the medication label, including refrigeration if applicable.			
(3)	If the medication is a (an):	The medication must be stored in a locked container or cabinet.	The medication must be stored inaccessible to children.
(a)	Individual's emergency rescue medications:		
(i)	Any medication used to treat an allergic reaction;		X
(ii)	Nebulizer medication;		X
(iii)	Inhaler;		X
(iv)	Bee sting kit;		X
(v)	Seizure medication;		X
(vi)	Other medication needed for emergencies.		X
(b)	Nonprescription medications, including herbal or natural:		
(i)	Pain reliever, cough syrup, cold or flu medication;	X	
(ii)	Vitamins, all types including natural;	X	
(iii)	Topical nonprescription medication;		X
(iv)	Hand sanitizer, when not in use.		X
(c)	Prescription medication:		
(i)	Intended use -Topical;	X	
(ii)	Intended use - Ingestible, inhaled or by injection.	X	
(d)	Pet medications (all types).	X	

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-294-3325 (codified as WAC 170-297-3325), filed 11/19/12, effective 12/20/12.]

WAC 170-297-3375 Medication permission. (1) The child care program must have written permission from a child's parent or guardian to give a child any medication. The permission must include:

(a) Child's first and last name;

(b) Name of the medication and condition being treated;

(c) Frequency and amount of dose to be given;

(d) How medication is to be given;

(e) Medication storage requirements;

(f) Expected side effects of the medication;

(g) Start and stop date for administering medication not to exceed thirty calendar days, except as provided in subsection (2) of this section;

(h) Parent or guardian signature; and

(i) Date of signature.

(2) A parent or guardian may give up to one hundred eighty calendar days written permission for use of the following:

(a) Sun screen;

(b) Hand sanitizers; or

(c) Hand wipes with alcohol.

(3) For prescription medications, the parent permission form is effective up to the number of days stated on the medication label. The licensee must not give medication past the date prescribed on the label.

(4) A written record of medication administration (medication log) must be kept that includes the:

(a) Child's name;

(b) Name of medication;

(c) Dose given;

(d) Dates and time of each medication given; and

(e) Name and signature of the person administering the medication.

(5) The parent or guardian must be allowed to review their own child's written medication administration records.

(6) Any unused medication must be returned to the child's parent or guardian.

(7) Medication permission forms must be kept confidential.

(8) Medication permission forms and medication logs for the previous twelve months must be kept in the licensed space and available for review by the licensor.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3375, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3425 Medication requirements. The licensee or designee must follow the medication directions for managing and giving prescription and nonprescription medication for the individual children in care. The licensee or designee must not give or allow giving of a medication:

(1) That does not have age, dosage and frequency directions, and information about potential adverse reaction;

(2) That has expired; or

(3) For any purpose or condition other than prescribed or described on the medication label.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3425, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3450 Sedating a child prohibited. Program staff must not give or allow giving of any medication for the purpose of sedating a child unless the medication has been prescribed for that purpose by a qualified health care professional.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3450, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3475 Prescription medication. The licensee or program staff may give a prescribed medication to a child only if the following conditions are met:

(1) The medication is prescribed only for the child the medication is being given to;

(2) The parent or guardian has provided written permission as described in WAC 170-297-3375;

(3) The prescribed medication is given in the amount and frequency prescribed by the child's health care professional with prescription authority;

(4) The prescribed medication is given only for the purpose it is prescribed for or the condition it is prescribed to treat;

(5) The medication must:

(a) Be in the original container;

(b) Be labeled with the child's first and last name; and

(c) Have a nonexpired expiration date;

(6) The container must have, or the parent or guardian must provide, information from the pharmacy about:

(a) Medication storage; and

(b) Potential adverse reactions or side effects; and

(7) The medication has been stored at the proper temperature noted on the container label or pharmacy instructions.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3475, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3525 Nonprescription medications. The licensee or designee may give nonprescription medications, as defined in this chapter, only when the following conditions are met:

(1) The parent or guardian has given signed written permission as provided in WAC 170-297-3375.

(2) The nonprescription medication:

(a) Is given to or used with a child only in the dosage, frequency and as directed on the manufacturer's label;

(b) Is given in accordance with the age or weight of the child needing the medication;

(c) Is given only for the purpose or condition that the medication is intended to treat;

(d) Is in the original container; and

(e) Has a nonexpired expiration date, if applicable.

(3) The medication container or packaging includes, or the parent or guardian provides information about:

(a) Medication storage; and

(b) Potential adverse reactions or side effects; and

(4) The medication has been stored at the proper temperature noted on the container label or instructions.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3525, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3550 Children taking their own medication. The licensee may permit a child to take his or her own medication if:

(1) The licensee follows all of the requirements in WAC 170-297-3475 (1) through (5);

(2) The child is physically and mentally capable of properly taking the medication;

(3) The licensee has on file the child's parent or guardian written approval for the child to take his or her own medication;

(4) The medication and related medical supplies are locked and inaccessible to other children and unauthorized persons, except emergency rescue medications that may be stored inaccessible to other children but not locked; and

(5) A trained and authorized program staff person observes and documents in the child's medication administration record that the medication was taken or not taken.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3550, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3575 Injuries requiring first aid only. When a child has an injury that requires first aid only, a written or verbal notice must be given by program staff to the parent or guardian and a record must be kept of the notice on file.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3575, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3600 Injuries or illness requiring professional medical treatment. (1) When program staff becomes aware that a child's injury or illness may require professional medical treatment, the licensee or designee must:

(a) Call 911, when applicable, and follow their recommendations;

(b) Administer first aid; and

(c) Call the child's parent or guardian.

(2) After taking actions as prescribed in subsection (1) of this section, the licensee or designee must:

(a) Call the department; and

(b) Within twenty-four hours, submit an injury/incident report form to the department.

(3) The injury/incident report form must include:

(a) The name of child;

(b) The date, time and location where the injury or illness occurred;

(c) A description of the injury or illness;

(d) The names of program staff present;

(e) The action taken by program staff; and

(f) The signature of program staff.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3600, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3625 Handwashing procedure. (1) The licensee or program staff must follow and teach children proper handwashing procedures. Proper handwashing procedures include:

(a) Washing hands with warm water and liquid soap for a minimum of twenty seconds;

(b) Drying hands with a paper towel, single-use cloth towel or air hand dryer; and

(c) Turning off the water with paper towel or single use cloth towel.

(2) Paper towels must be disposed of after a single use.

(3) If cloth towels are used, they must be washed and sanitized after each use.

(4) If an air hand dryer is used, it must have a heat guard to prevent burning and must turn off automatically.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3625, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3635 When handwashing is required. (1) Program staff must wash hands:

(a) Upon arriving to the program;

(b) After personal toileting or assisting a child with toileting;

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

(d) After attending to an ill or injured child;

(e) After contact with bodily fluids;

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

(g) When returning from playground/outside;

(h) After handling garbage and garbage receptacles;

(i) Before and after handling or feeding pets/animals;

(j) After smoking; and

(k) As needed when hands are soiled.

(2) Children must wash their hands:

(a) Upon arrival to the program;

(b) When returning from playground and/or outside;

(c) Before the child eats;

(d) Before the child participates in food activities;

(e) After the child's toileting;

(f) Before and after handling or feeding pets/animals;

(g) After touching bodily fluids, including after sneezing or coughing; and

(h) As needed when hands are soiled.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3635, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3650 Hand sanitizers. (1) Program staff may allow the use of hand sanitizer products when a child's parent or guardian has given written and signed permission as described in WAC 170-270-3375(2) for hand sanitizer use.

(2) Hand sanitizer products may be used:

(a) When handwashing facilities are not available, such as an outing, emergency, or disaster; or

(b) After proper handwashing.

(3) Hand sanitizer gels must not be used in place of proper handwashing if handwashing facilities are available.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3650, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3700 Carpets. (1) The licensee must clean installed carpet in the licensed space at least twice each calendar year, or more often when soiled, using a carpet shampoo machine, steam cleaner, or dry carpet cleaner.

(2) Where the licensee does not have decision-making authority over the licensed premises, document verification of compliance is acceptable.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3700, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3850 Cleaning laundry. When the licensee does child care laundry on-site, the licensee must wash the laundry using:

(1) Laundry soap or detergent; and

(2) Sanitize as defined in WAC 170-297-0010.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3850, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3875 Cleaning and sanitizing toys. The licensee must clean and sanitize toys as provided in WAC 170-297-0010:

(1) Before a child plays with a toy that has come into contact with another child's mouth or bodily fluids;

(2) After being contaminated with bodily fluids or visibly soiled; or

(3) Not less than weekly when the toys have been used by the children.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3875, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3925 Cleaning, sanitizing, and disinfecting table. (1) The following table describes the minimum frequency for cleaning, sanitizing, or disinfecting items in the licensed space. Where the licensee does not have decision-making authority over the licensed premises, document verification of compliance is acceptable.

CLEANING, SANITIZING, AND DISINFECTING TABLE					
		"X" means CLEAN	And SANITIZE or DISINFECT	FREQUENCY	
(a)	Kitchen countertops/tabletops, floors, doorknobs, and cabinet handles.	X	Sanitize (see subsection (3) of this section)	Daily or more often when soiled.	
(b)	Food preparation/surfaces.	X	Sanitize (see subsection (3) of this section)	Before/after contact with food activity; between preparation of raw and cooked foods.	
(c)	Carpets and large area rugs/small rugs.			(i)	Vacuum daily.
				(ii)	Installed carpet - Clean yearly or more often when soiled using a carpet shampoo machine, steam cleaner, or dry carpet cleaner.
(d)	Utensils, surfaces/toys that go in the mouth or have been in contact with other body fluids.	X	Sanitize (see subsection (3) of this section)	After each child's use.	
(e)	Toys that are not contaminated with bodily fluids. Dress-up clothes (not worn on the head or come into contact with the head while dressing).	X	Sanitize (see subsection (3) of this section)	Weekly or more often when visibly soiled.	

CLEANING, SANITIZING, AND DISINFECTING TABLE				
		"X" means CLEAN	And SANITIZE or DISINFECT	FREQUENCY
(f)	Hats and helmets.	X		After each child's use or use disposable hats that only one child wears.
(g)	Wash cloths or single-use towels	X	Sanitize (see subsection (3) of this section)	After each use.
(h)	Handwashing sinks, faucets, surrounding counters, soap dispensers, doorknobs.	X	Disinfect (see subsection (2) of this section)	Daily or more often when soiled.
(i)	Toilet seats, toilet training rings, toilet handles, doorknobs or cubicle handles, floors.	X	Disinfect (see subsection (2) of this section)	Daily or immediately if visibly soiled.
(j)	Toilet bowls.	X	Disinfect (see subsection (2) of this section)	Daily or more often as needed (e.g., child vomits or has explosive diarrhea, etc.).
(k)	Changing tables, potty chairs (use of potty chairs in child care is discouraged because of high risk of contamination).	X	Disinfect (see subsection (2) of this section)	After each child's use.
(l)	Waste receptacles.	X		Daily or more often as needed.

(2) "Disinfect" or "disinfecting" means to eliminate virtually all germs on a surface by the process of cleaning and rinsing, followed by:

(a) A chlorine bleach and water solution of one tablespoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

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

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

(a) Cleaning and rinsing, followed by using:

(i) A chlorine bleach and water solution of three-quarters teaspoon of chlorine bleach to one quart of cool water, allowed to stand wet for at least two minutes; or

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

(b) For laundry and dishwasher use only, "sanitize" means use of a bleach and water solution or temperature control.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3925, filed 11/19/12, effective 12/20/12.]

WAC 170-297-3950 Pest control. (1) The licensee must keep the premises free from rodents, fleas, cockroaches, and other insects and pests.

(2) If pests are present in the licensed space, the licensee must:

(a) Take action to remove or eliminate pests; and

(b) Use the least poisonous method of pest management possible; or

(c) Use chemical pesticides for pest management. If chemical pesticides are used, the licensee must:

(i) Post a notice visible to parents, guardians and staff forty-eight hours in advance of the application of chemical pesticides; and

(ii) Comply with the Washington state department of agriculture's compliance guide for *Pesticide use at Public Schools (K-12) and Licensed Day Care Centers* in applying chemical pesticides.

(3) Where the licensee does not have decision-making authority over the licensed premises, document verification of compliance is acceptable.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-3950, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4000 Lead, asbestos, arsenic and other hazards. The licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the indoor or outdoor licensed space:

(1) Lead based paint;

(2) Plumbing containing lead or lead solders;

(3) Asbestos;

(4) Arsenic or lead in the soil or drinking water;

(5) Toxic mold; or

(6) Other identified toxins or hazards.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4000, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4025 Drugs and alcohol. (1) The licensee, staff and volunteers must not:

(a) Have or use illegal drugs on the premises;

(b) Consume or be under the influence of alcohol during operating hours; or

(c) During operating hours, be under the influence of drugs that would impair the ability to provide care for the children as provided in this chapter.

(2) The licensee, staff and volunteers must follow the school districts drug free zone policy if the child care program is located on school district property.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4025, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4050 No smoking. (1) As required by chapter 70.160 RCW, the licensee and program staff must, under the following conditions, prohibit smoking by anyone:

(a) In any outdoor or indoor licensed space;

(b) Within twenty-five feet of any entrance, exit, window, or ventilation intake of the facility; or

(c) In motor vehicles used to transport children.

(2) Program staff must keep tobacco products, cigarettes and containers holding cigarette butts, cigar butts, or ashes inaccessible to the children.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4050, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4075 First-aid kit. (1) The licensee must have a complete first-aid kit at all times:

(a) In the licensed space;

(b) On any off-site trip; and

(c) In any vehicle used to transport children in care.

(2) A complete first-aid kit must include clean:

(a) Disposable nonporous protective 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)(i) Mercury free thermometer that is:

(A) Used with a disposable sleeve; or

(B) Cleaned and sanitized after each use; or

(ii) A single-use thermometer that is disposed of after a single use;

(i) A sling, or a large triangular bandage; and

(j) Adhesive tape.

(3) The first-aid kit must include a current first-aid manual.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4075, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4100 Poisons, chemicals and other substances. (1) The licensee and program staff must:

(a) Store poisons in a locked container inaccessible to children and where poisons will not contaminate food;

(b) If poisons are not in the original container, clearly label the container with the name of the product and the words "poison" or "toxic."

(2) The following chemicals and other substances that belong to the program or program staff must be stored inaccessible to children:

(a) Nail polish remover;

(b) Sanitizers and disinfectants;

(c) Household cleaners and detergents;

(d) Toxic plants;

(e) Plant fertilizer;

(f) Ice melt products;

(g) Pool chemicals;

(h) Pesticides or insecticides;

(i) Fuels, oil, lighter fluid, or solvents;

(j) Matches or lighters;

(k) Air freshener or aerosols;

(l) Personal grooming products including, but not limited to:

(i) Lotions, creams, or toothpaste;

(ii) Liquid, powder, or cream personal hygiene products;

(iii) Shampoo, conditioners, hair gels or hair sprays;

(iv) Makeup or cosmetics;

(m) Dish soap, dishwasher soap or additives;

(n) Tobacco products, including cigarette/cigar butts and contents of ashtrays; and

(o) Alcohol, opened or unopened.

(3) The licensee and program staff must:

(a) Keep a material safety data sheet on-site for all chemicals used or present on-site;

(b) Store pesticides in their original container; and

(c) Store cleaning and sanitizing chemicals in their original containers unless they are diluted, in which case the licensee may store them in an alternate container labeled to indicate the container's contents.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4100, filed 11/19/12, effective 12/20/12.]

ENVIRONMENTS

WAC 170-297-4200 Toys, equipment, and recalled items. (1) The licensee must maintain equipment, toys or other items in the child care in good and safe working condition.

(2) The licensee must remove a recalled item as soon as the licensee becomes aware that the item used in the licensee's child care operation has been recalled.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4200, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4225 Indoor licensed space—Minimum space. (1) The indoor licensed space must have thirty-five square feet per child for the maximum number of children stated on the license, measured to include only the space intended for use by children in care.

(2) Indoor space that is not counted in the minimum square footage requirement includes:

(a) Unlicensed space that is made inaccessible to children in care;

(b) Hallway space that leads to an exit; and

(c) Bathrooms.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4225, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4250 Indoor temperature. The indoor temperature must be no less than sixty-five degrees Fahrenheit and no higher than seventy-five degrees Fahrenheit during the winter or eighty-two degrees Fahrenheit during the summer.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4250, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4275 Fans, air conditioning or cross ventilation. A fan, air conditioner or cross ventilation must be used in licensed space when the inside temperature exceeds eighty-two degrees Fahrenheit. Fans and air conditioners must be kept inaccessible to the children, or a protective barrier must be used to prevent children from accessing fan blades.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4275, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4300 Window coverings. (1) Window coverings with pull cords or inner cords capable of forming a loop are prohibited as provided by RCW 43.215.360.

(2) Window coverings may be allowed that have been manufactured or altered to eliminate the formation of a loop.

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

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4300, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4350 Electrical outlets, cords and power strips. (1) The licensee must use electrical outlets that are in good working order without exposed wires or broken covers.

(2) Interior outlets near sinks, tubs or toilets must be:

(a) Tamper-resistant ground fault circuit interrupter (GFCI) type; or

(b) Made inaccessible to the children.

(3) Electrical cords must be:

(a) Secured to prevent a tripping hazard;

(b) In good working order, not torn or frayed and without any exposed wire; and

(c) Plugged directly into an outlet, or a surge protector that is plugged directly into an outlet.

(4) Power strips with a surge protector may be used and must be made inaccessible to the children.

(5) Extension cords may be used only for a brief or temporary purpose and must be plugged into an outlet or into a surge protected power strip.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4350, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4360 Area lighting. All areas of the facility must have natural or artificial lighting that provides adequate illumination for facility activities.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4360, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4375 Lighting safety. (1) Ceiling-mounted light fixtures in licensed space accessible to children must have one of the following:

(a) Shatter-resistant covers; or

(b) Shatter-resistant light bulbs.

(2) The licensee must not:

(a) Allow bare light bulbs in any play space;

(b) Use lights or light fixtures indoors that are intended or recommended for outdoor use; or

(c) Use halogen lamps in any area accessible to children during operating hours.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4375, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4475 Emergency exit pathways. Pathways to all emergency exits must be kept free from clutter and obstructions. Emergency exits and pathways to emergency exits are licensed space.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4475, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4550 Windows. (1) When a protective guard is used on any window it must not block outdoor light from entering the child care or prevent air flow into the child care.

(2) Where a window is used as an emergency exit window, the window and guards, if provided, must be equipped to enable staff to release the guard and open the window fully when emergency exit is required.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4550, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4625 Toileting facility. A toileting facility must be available for use by the children.

(1) The toileting facility must have at minimum:

(a) One working flush-type toilet for every thirty children based on the licensed capacity. One-third of the toilets may be replaced by a urinal;

(b) Privacy for toileting for children of the opposite sex; and

(c) A mounted toilet paper dispenser and toilet paper for each toilet.

(2) The toileting facility must be ventilated by the use of a window that can be opened or an exhaust fan.

(3) A diaper changing area must be provided to meet the diapering needs of the children when applicable.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4625, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4635 Handwashing sinks. (1) Handwashing facilities must be located in or immediately outside of:

(a) Rooms used for toileting; and

(b) Areas used for food preparation.

(2) Soap and warm water must be provided at each handwashing sink, as well as:

(a) Disposable paper towels; or

(b) A heated-air hand-drying device with heat guards to prevent contact with surfaces that get hotter than one hundred twenty degrees Fahrenheit.

(3) The handwashing procedures must be posted at each handwashing sink.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4635, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4650 Bathroom floors. Bathrooms and other rooms subject to moisture must have flooring that is washable and moisture resistant. The floor must be cleaned and disinfected as provided in WAC 170-297-0010 daily or more often if needed.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4650, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4700 Water temperature. Water must be kept at a temperature of at least sixty degrees Fahrenheit and not more than one hundred twenty degrees Fahrenheit.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4700, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4725 Guns and other weapons. Firearms or other weapons are prohibited on the premises.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4725, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4750 Storage for each child's belongings. Separate storage areas for each child's belongings must be provided.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4750, filed 11/19/12, effective 12/20/12.]

PETS AND OTHER ANIMALS

WAC 170-297-4800 Pet and other animal policy. A program that has a pet or pets must:

(1) Inform children's parents and guardians that the child care program has a pet; and

(2) Have a pet policy in the parent handbook that includes:

(a) How children will have access to pets;

(b) How children will be kept safe around pets;

(c) Pet immunizations; and

(d) Handling of pet waste.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4800, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4850 Pet and other animal health and safety. (1) Pets that have contact with children must:

(a) Have current immunizations for contagious diseases;

(b) Show no signs of disease, worms or parasites; and

(c) Have veterinarian documentation that the pet is non-aggressive.

(2) Children and program staff must wash their hands as required under WAC 170-297-3650 before and after handling or feeding pets or handling pet toys or equipment.

(3) Programs that are on school district property must follow the school district's policy for pets.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-23-075, § 170-297-4850, filed 11/19/13, effective 12/20/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4850, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4875 Pets and other animals interacting with children. (1) The licensee or program staff must not have reptiles, amphibians, chickens, or ducks on-site due to the risk of Salmonella.

(2) When community activities or special events include reptiles, amphibians, chickens, or ducks, the licensee or program staff must directly supervise the children when interacting with these animals to reduce the risk of Salmonella.

Children and program staff must wash their hands before and after interacting with these animals.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4875, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4900 Pet and other animal wastes. (1) All animal wastes and litter must be disposed of immediately.

(2) Animal waste must be disposed of in a way that children cannot come in contact with the material.

(3) Animal waste, including fish tank water, must not be disposed of in sinks used by children or staff, except custodial sinks. If custodial sinks are used to dispose of animal waste, the sink area must be washed, rinsed and disinfected after disposal.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4900, filed 11/19/12, effective 12/20/12.]

OUTDOOR ENVIRONMENT

WAC 170-297-4925 Licensed outdoor space. (1) The licensee must provide a safe outdoor play area on the premises.

(a) The outdoor play space must contain seventy-five square feet of usable space per child for the number of children stated on the license.

(b) If the premises does not have seventy-five square feet of available outdoor space per child, the licensee may provide an alternative plan, approved by the department, to meet the requirement for all children in care to have daily opportunities for active outdoor play.

(2) The licensed outdoor play space must be enclosed within a fence, barrier, or identified boundary. When a fence has slats, openings between the slats must be no wider than three and one-half inches.

(3) When the licensed outdoor play space is not adjacent to the licensed facility the licensee must:

(a) Identify and use a safe route to and from the licensed outdoor space that is approved by the department; and

(b) Supervise the children at all times when passing between the licensed outdoor space and the facility.

(4) The licensee must provide a written plan, approved by the department, to make roadways and other dangers adjacent to the licensed outdoor play space inaccessible to children.

(5) The department may approve all or part of the outdoor space for use by a child care program that is on school district property and has been inspected and maintained by the school district using the Consumer Product Safety Commission's *Public Playground Safety Handbook*.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4925, filed 11/19/12, effective 12/20/12.]

WAC 170-297-4950 Playground equipment—Ground cover—Fall zones. (1) The licensee must not place climbing play equipment on concrete, asphalt, packed soil, lumber, or similar hard surfaces when being used by children.

(2) The ground under swings and play equipment intended to be climbed must be covered by a shock absorbing material. Grass alone is not an acceptable ground cover material under swings or play equipment intended to be climbed. Acceptable ground cover includes:

(a) Pea gravel at least nine inches deep;

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

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

(d) Other department approved material.

(3) A six-foot fall zone must surround all equipment that has a platform over forty-eight inches tall that is intended to be climbed.

(4) The fall zone area must extend at least six feet beyond the perimeter of the play equipment. For swings, the fall zone must be the distance to the front and rear of the

swing set equal to or greater than twice the height of the top bar from which the swing is suspended.

(5) Swing sets must be positioned further away from structures to the front and rear of the swing set. The distance to the front and rear of the swing set from any playground equipment or other structure must be a distance equal to or greater than twice the height of the top bar from which the swing is suspended.

(6) The department may approve all or part of a playground for use by a child care program that is on school district property and has been inspected and maintained by the school district using the Consumer Product Safety Commission's *Public Playground Safety Handbook*.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-4950, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5000 Play equipment. The licensee must have play equipment that is developmentally appropriate and maintained in a safe working condition. The licensee must inspect play equipment at least weekly for injury hazards, broken parts, or damage. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5000, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5050 Bouncing equipment prohibited. The licensee must not use or allow the use of bouncing equipment including, but not limited to, trampolines, rebounders, and inflatable structures.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5050, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5100 Outdoor supervision. (1) Program staff must be within sight or hearing range of the children when in the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.

(2) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5100, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5125 Outdoor areas and daily physical activities. (1) The licensed program must have an outdoor play area that promotes a variety of age and developmentally appropriate active play for the children in care.

(2) The program staff must provide outdoor activities at least twenty minutes for every three hours of care unless conditions pose a health and safety risk to the children.

(3) Conditions that may pose a health and safety risk include, but are not limited to:

(a) Heat in excess of one hundred degrees Fahrenheit;

(b) Cold less than twenty degrees Fahrenheit;

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

(d) Earthquake;

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

(f) Lockdown order by a public safety authority; or

(g) Other similar incidents.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5125, filed 11/19/12, effective 12/20/12.]

WATER SAFETY

WAC 170-297-5150 Water safety and activity. (1) When the children in care are involved in swimming or other water activities, the program staff must maintain the following water safety precautions:

(a) A minimum staff-to-child ratio of 1:10 must be maintained;

(b) A certified lifeguard, with a nationally recognized certification, must be present at all times. Lifeguards are not counted in the staff-to-child ratio;

(2) Swimming pools and natural bodies of water must be inaccessible to the children when not in use; and

(3) Program staff must not allow the children use of or access to a hot tub, spa tank, or whirlpool.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5150, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5175 Wading pools—Defined—Supervision. (1) A wading pool means an enclosed pool with water depth of two feet or less measured without children in the pool that can be emptied and moved.

(2) When a wading pool is used by the children, the licensee or program staff must:

(a) Directly supervise the children;

(b) Obtain written permission from each child's parent or guardian to allow the child to use a wading pool;

(c) Maintain staff-to-child ratios when children are in a wading pool; and

(d) Daily, empty, clean, and sanitize the pool as provided in WAC 170-297-0010. When the pool is soiled with urine, feces, vomit, or blood, the licensee or program staff must immediately empty, clean, and sanitize.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5175, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5200 Swimming pools defined—Barriers and supervision. (1) A swimming pool is a pool that has a water depth greater than two feet.

(2) When there is a swimming pool on the premises the licensee must provide:

(a) A door alarm or bell on each door opening to the pool area to warn staff when the door is opened;

(b) A five foot high fence that blocks access to the swimming pool. When the fence has slats the openings between slats must not be wider than three and one-half inches wide;

(c) Gates with a self-latching device at entrance and exit points to the swimming pool and lock each gate; and

(d) An unlocking device that is inaccessible to children but readily available to the licensee or staff.

(3) The licensee must maintain the swimming pool according to manufacturer's specifications, including cleaning and sanitizing.

(4) When the swimming pool on the premises is used by the children:

(a) The licensee must obtain written permission from the parent or guardian of each child using the swimming pool;

(b) There must be one person present at the swimming pool at all times who is a certified lifeguard, with a nationally recognized certification; and

(c) The licensee must provide one additional staff person more than the required staff-to-child ratio provided in WAC 170-297-5700 to help supervise the children.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5200, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5225 Bodies of water or water hazards on the licensed premises. (1)(a) As used in WAC 170-297-5150 through 170-297-5250, a "body of water" is a natural area or man-made area or device that contains or holds more than two inches of water.

(b) "Body of water" does not include a wading pool as defined in WAC 170-297-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.

(2) When children are in care the licensee must:

(a) Make any body of water in the licensed space inaccessible with a physical barrier (not to include a hedge or vegetation barrier) or fence that is at least five feet tall. When a fence has slats or open grids, openings must not be wider than three and one-half inches; and

(b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5225, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5250 Bodies of water outside and near licensed space. (1) The following bodies of water must be made inaccessible to children in care, and the child care program must have a written safety plan approved by the department for:

(a) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools or similar bodies of water located outside and near (in close proximity to) the licensed space, regardless of whether the body of water is on or off the premises; or

(b) Any uncovered well, septic tank, below grade storage tank; farm manure pond or similar hazards that are on the premises.

(2) Unless attending a swimming or water play activity, when outside the licensed premises the licensee or program staff must keep children from having access to bodies of water that pose a drowning hazard.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5250, filed 11/19/12, effective 12/20/12.]

SUPERVISION, CAPACITY AND RATIO

WAC 170-297-5600 Staff-to-child ratio. (1) The licensee must provide qualified staff to meet the staffing requirements and ratios described in WAC 170-297-5700 at all times during operating hours, including off-site trips or when transporting children in care.

(2) The licensee must provide additional staff as described in WAC 170-297-5150 through 170-297-5250 when children are participating in water activities or near water.

(3) At minimum, a 1:15 staff-to-child ratio must be maintained at all times.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5600, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5625 Capacity. (1) The child care program must not exceed the total number or ages of children in attendance stated on the child care license.

(2) All children in care through twelve years of age in attendance on the premises, attending an off-site field trip or activity, or being transported by the licensee or program staff are counted in capacity.

(3) All children within the age range on the license count in ratio, including children of program staff, or visiting children who are not accompanied by an adult.

(4) The licensee must receive department approval to care for a child with special needs as documented in WAC 170-297-0050 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 ratio.

(5) If an individual child with special needs requires individualized supervision, a program staff person providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5625, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5725 Groups. (1) The program must provide clearly defined licensed space for each group of children.

(2) A 1:15 staff-to-child ratio must be maintained at all times.

(3) Group size must not exceed thirty children.

(4) Group size may exceed thirty only for brief periods of time not to exceed fifteen minutes, or for special events such as assemblies or performances.

(5) Qualified staff must supervise each group.

(6) The total number of children in all groups must not exceed the licensed capacity of the space.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5725, filed 11/19/12, effective 12/20/12.]

LICENSEE RESPONSIBILITIES

WAC 170-297-5750 Supervising children. (1) The licensee must provide required staffing levels, staff-to-child ratios and supervision for the number of children in attendance.

(2) The licensee or program staff must be aware of what the children are doing at all times and be available and able to promptly assist or redirect activities when necessary.

(3) The licensee and program staff must consider the following when deciding how closely to supervise the children:

(a) Ages of the children;

(b) Individual differences and abilities;

(c) Layout of the indoor and outdoor licensed space and play area;

(d) The risk associated with the activities children are engaged in; and

(e) Any nearby hazards including those in the licensed or unlicensed space.

(4) An electronic communication or surveillance device does not replace direct supervision of the children.

(5) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space.

(6) The licensee or program staff must be within sight or hearing range of children when in the licensed indoor and outdoor space and be available and able to respond if the need arises for the safety of the children, including when:

(a) Moving from indoors to outdoors;

(b) Moving from room to room; and

(c) The child uses the restroom.

(7) When only one staff person is present, a second qualified staff person must be on-site, able, and readily available to assist in an emergency.

(8) See:

(a) WAC 170-297-5150 for additional supervision requirements when children are engaged in an off-site water play or swimming activity;

(b) WAC 170-297-5175 for additional supervision requirements when children are using a wading pool; and

(c) WAC 170-297-5200 for additional supervision requirements when children are using a swimming pool.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5750, filed 11/19/12, effective 12/20/12.]

WAC 170-297-5800 Orientation for staff. (1) The licensee or designee must provide a program orientation to all new staff on:

(a) Licensing standards in this chapter;

(b) The program's policies and procedures;

(c) Goals and philosophy of the program;

(d) Planned daily activities and routines;

(e) Age-appropriate child guidance and behavior management methods;

(f) Child abuse and neglect prevention, detection, and reporting policies and procedures;

(g) Special health and developmental needs of individual children if applicable;

(h) Fire prevention, emergency preparedness and safety procedures; and

(i) Personnel policies.

(2) The licensee or designee must document when the training occurred and identify the staff that received the training.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-5800, filed 11/19/12, effective 12/20/12.]

NURTURE AND GUIDANCE

WAC 170-297-6000 Interactions with children. The licensee and program staff must:

(1) Actively seek out meaningful conversations with children and talk about events of importance to the child;

(2) Be available and responsive to children and interact on the child's level, encouraging them to ask questions, share experiences, ideas and feelings;

(3) Encourage children to evaluate a problem and form a resolution rather than impose an adult solution; help children to develop mediation and negotiation skills to solve problems;

(4) Foster creativity and independence;

(5) Build on children's strengths while allowing for mistakes;

(6) Treat equally all children in care regardless of race, religion, culture, sex, family structure and ability;

(7) Demonstrate positive interactions with children and other adults when children are present;

(8) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way;

(9) Treat each child with consideration and respect;

(10) Appropriately touch and smile at children;

(11) Speak to the children at their eye level when possible and appropriate;

(12) Respond to and investigate cries or other signs of distress immediately;

(13) Perform age or developmentally appropriate nurturing activities that:

(a) Take into consideration the parent's own nurturing practices;

(b) Promote each child's learning self-help and social skills; and

(c) Stimulate the child's development; and

(14) Provide each child opportunities for vocal expression; adult voices must not always dominate the overall sound of the group.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6000, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6025 Prohibited interactions. In the presence of the children in care the licensee and program staff must not or allow others to:

(1) Use profanity, obscene language, "put downs," cultural, or racial slurs;

(2) Have angry or hostile interactions;

(3) Use name calling or make derogatory, shaming, or humiliating remarks; or

(4) Use or threaten to use any form of physical harm or inappropriate discipline, such as, but not limited to:

(a) Spanking children;

(b) Biting, jerking, kicking, hitting, or shaking;

(c) Pulling hair;

(d) Pushing, shoving, or throwing a child; and

(e) Inflicting pain or humiliation as a punishment.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6025, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6050 Guidance and discipline. The licensee and program staff must use consistent, fair, and positive guidance and discipline methods. These methods must be appropriate to the child's developmental level, abilities, culture, and related to the child's behavior.

(1) Only the licensee or a program staff person trained in the child care program's expected standards may discipline a child in care.

(2) The licensee or designee is responsible for developing a written policy including:

(a) Setting standards for guidance and discipline;

(b) Communicating to parents, guardians, and children in care what the policy is;

(c) Training program staff and volunteers in the standards of guidance and discipline policy; and

(d) Any disciplinary actions by the licensee or program staff that occur during child care hours.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6050, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6075 Positive options for discipline. The licensee and program staff must use positive guidance methods. The guidance methods may include any of the following:

(1) Redirecting;

(2) Planning ahead to prevent problems;

(3) Encouraging appropriate behavior;

(4) Explaining consistent, clear rules;

(5) Allowing children to be involved in solving problems; and

(6) Explaining to the child the reasonable and age appropriate natural and logical consequences related to the child's behaviors.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6075, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6100 Separating a child from the group. (1) The licensee or program staff may separate a child from other children as a form of discipline only long enough to allow the child to regain control of him or herself. The child must remain under the direct supervision of the licensee or program staff person.

(2) The licensee and program staff must:

(a) Take into account the child's developmental level and ability to understand the consequences of his or her actions;

(b) Communicate to the child the reason for being separated from the other children;

(c) Not discipline any child by separating the child from the group and placing himself or her in a closet, a bathroom, a locked room, outside or in unlicensed space; or

(d) Not use confining space or equipment for the purpose of punishment or restricting a child's movements.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6100, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6125 Preventing harmful or aggressive acts. The licensee and program staff must:

(1) Take steps to protect children from the harmful acts of other children;

(2) Immediately intervene when a child becomes physically aggressive; and

(3) Document serious behavior incidents and develop, as needed, individual written behavior plans with parent input.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6125, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6150 Prohibited actions. The licensee and program staff must not:

(1) Restrict a child's breathing;

(2) Deprive a child of:

(a) Sleep, food, water, clothing or shelter;

(b) Needed first aid; or

(c) Required or emergency medical or dental care.

(3) Interfere with a child's ability to take care of his or her own hygiene and toileting needs;

(4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for himself or herself; or

(5) Withhold active play as punishment.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6150, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6175 Using alternate methods before using physical restraint. (1) Program staff must be trained on alternate methods to use before using physical restraint.

(2) Before using physical restraint, the licensee and program staff must first use other methods described in WAC 170-297-6075 to redirect or de-escalate a situation.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6175, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6200 Physical restraint—Prohibited uses or methods. The licensee and program staff must not use:

(1) Physical restraint as a form of punishment or discipline;

(2) Mechanical restraints including, but not limited to, handcuffs and belt restraints;

(3) Locked time-out or isolation space;

(4) Bonds, ties, tape, or straps to restrain a child; or

(5) Physical restraint techniques that restrict breathing or inflict pain. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;

(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;

(c) Arm twisting;

(d) Hair holds;

(e) Choking or putting arms around the throat; or

(f) Chemical restraint such as mace or pepper spray.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6200, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6225 Physical restraint—Holding method allowed. When a child's behavior makes it necessary for his or her own or another's protection, the licensee or program staff may restrain the child by holding the child as gently as possible. A child must not be physically restrained longer than necessary to control the situation.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6225, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6250 Notice and documenting use of physical restraint. If physical restraint is used the licensee or program staff must:

(1) Report use of physical restraint to the child's parent or guardian and the department as required under WAC 170-297-2250;

(2) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate;

(3) Document the incident in the child's file; and

(4) Develop a safety plan with the licensor if required by the department.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6250, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6275 Abuse and neglect—Protection and training. (1) The licensee and program staff must:

(a) Protect children in care from all forms of child abuse or neglect as defined in RCW 26.44.020; and

(b) Report suspected or actual abuse or neglect as required under RCW 26.44.030 to DSHS children's administration intake (child protective services) or law enforcement.

(2) The licensee or designee must provide training for program staff and volunteers on:

(a) Prevention of child abuse and neglect as defined in RCW 26.44.020; and

(b) Mandatory reporting requirements under RCW 26.44.030.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6275, filed 11/19/12, effective 12/20/12.]

PROGRAM

WAC 170-297-6400 Off-site activities—Parent or guardian permission. (1) Program staff must have written permission from the parent or guardian prior to the child engaging in off-site activities. The written permission must be kept in the child's file.

(2) Program staff must have a separate permission for activities that occur less often than once per calendar month.

(3) For scheduled or unscheduled off-site activities that may occur more than once a month, the licensee must:

(a) Have a signed parent or guardian permission on file for each child; and

(b) Inform parents and guardians about how to contact program staff when children are on an off-site activity.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6400, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6425 Off-site activity supervision. When on an off-site activity, the program staff responsible for the care of the children must at all times provide direct sight and sound supervision and be able to promptly assist or redirect the children's activities.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6425, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6450 Off-site activity—Emergency information and supplies. When on an off-site activity, program staff must have available:

(1) An emergency consent form for each child that includes:

(a) Emergency contact information;

(b) Permission to obtain medical treatment for the child in the event of a medical emergency;

(c) A list of the child's allergies, if applicable; and

(d) Permission to administer medications, if applicable;

(2) Emergency supplies, including:

(a) A first-aid kit; and

(b) Each child's required medication or emergency medicine, if applicable.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6450, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6475 Transportation. When transporting children in care, the licensee, staff, and volunteers must:

(1) Follow RCW 46.61.687 and other applicable law regarding child restraints and car seats;

(2) Carry in the vehicle all items required under WAC 170-297-6450 and a current copy of each child's completed enrollment form;

(3) Maintain the vehicle in safe operating condition with vehicle maintenance record available on-site;

(4) Have a valid driver's license to operate the type of vehicle being driven, if the licensee, staff, or volunteer is driving;

(5) Have a current insurance policy that covers the driver, the vehicle, and all occupants;

(6) Take attendance each time children are getting in or getting out of the vehicle;

(7) Never leave children unattended in the vehicle; and

(8) Maintain required staff-to-child ratio and capacity.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6475, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6500 Using public transportation. The licensee or program staff may transport children using public transportation, provided that children are supervised at all times and required staff-to-child ratios are maintained. The licensee and program staff must not allow or send children on public transportation unsupervised.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6500, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6550 Typical daily schedule. (1) A typical daily schedule must be posted that includes program activities.

(2) The typical daily schedule must include:

(a) Hours of operation;

(b) Types of activities, including screen time;

(c) General timelines for activities;

(d) Routine transportation times, if applicable;

(e) Menus and meal service; and

(f) Outdoor times.

(3) Evidence of daily activities may be shared or demonstrated through:

(a) Display;

(b) Writing; or

(c) A checklist.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6550, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6575 Activities to promote child growth and development. (1) An activity program must be implemented that is designed to meet the developmental, cultural, and individual needs of the children in care. The activity program must contain a range of learning experiences for the children to:

(a) Gain self-esteem, self-awareness, conflict resolution, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety;

(d) Experiment, create, and explore; and

(e) Recognize and support positive cultural and individual identities.

(2) The activity program schedule must include activities that offer a variety of options including a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free choice and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(3) The activity program schedule must include activities that provide the children daily opportunities for small and large muscle activities and outdoor play.

(4) The program schedule must include the opportunity for the children to participate in moderate to vigorous physical activity on an average of thirty minutes for every three hours of care.

(5) Program staff should encourage learning in school.

(6) The child care program must operate under a regular schedule of activities with allowances for special events when applicable.

(7) Child movements must be managed from one planned activity or care area to another to achieve smooth, unregimented transitions by:

(a) Establishing familiar routines;

(b) Contributing to learning experiences; and

(c) Maintaining staff-to-child ratio and group size guidelines.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6575, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6600 Equipment and play materials. (1) Safe equipment and play materials must be provided that are:

(a) Washable and clean; and

(b) Nonpoisonous or free of toxins.

(2) Materials and equipment must accommodate children with special needs.

(3) Basic school supplies and program staff support must be provided for children to work on their homework.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6600, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6625 Art materials. All prepackaged art materials used in the child care must be labeled "nontoxic" and as conforming to or meeting "ASTM D-4236." This does not apply to food items used as art materials, bulk paper, or items from the natural environment.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6625, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6650 Screen time. When the child care program provides screen time for children in care, the screen time must:

(1) Be educational, developmentally and age appropriate;

(2) Have child-appropriate content; and

(3) Not have violent or adult content.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6650, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6675 Screen time—Limitations. The licensee or staff must:

(1) Limit screen time for any child to no more than one hour per week, except when children are completing homework assignments;

(2) Not require children to participate in screen time;

(3) Provide alternative activities to screen time; and

(4) Place the television screen at least three feet from the children.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6675, filed 11/19/12, effective 12/20/12.]

WAC 170-297-6775 Diversity. The licensee must:

(1) Provide an environment that reflects each child's daily life, family culture and language, and the diversity in society;

(2) Describe or demonstrate to the licensor, or have a written plan for how:

(a) The licensee will discuss with parents how the child care reflects that child's daily life and family's culture or language; and

(b) The child care environment reflects the diversity in society.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-6775, filed 11/19/12, effective 12/20/12.]

FOOD SERVICE AND NUTRITION

WAC 170-297-7500 Food and milk must meet USDA guidelines. (1) Meals and snack foods must be provided to children in care according to the most current edition of the U.S. Department of Agriculture (USDA) child and adult care food program (CACFP) charts for the ages of children in care.

(2) Milk must be provided to children in care according to the most current edition of the USDA CACFP charts for the ages of children in care.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7500, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7515 Menus and dietary restrictions. (1) Menus must be posted in the licensed space in a place where parents and staff can easily view them. Menus must include:

(a) Food type and portion sizes planned and served;

(b) Two weeks or more of food variety before repeating menus;

(c) Dates; and

(d) Any changes that are made posted on the menu.

(2) When a child has a food allergy or special dietary requirement due to a health condition program staff must:

(a) Obtain written instructions from the child's parent or guardian and health care provider identifying foods to avoid and appropriate alternatives; and

(b) Post the child's dietary restrictions where food is prepared and served.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7515, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7525 Parent or guardian-provided food. (1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by the parent or guardian and the licensee or program staff.

(2) A written food plan may include accommodations for:

(a) The child's medical needs;

(b) Special diets;

(c) Religious or cultural preference; or

(d) Family preference.

(3) If food provided by the parent or guardian does not meet the USDA CACFP meal pattern it must be supplemented by the program.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7525, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7530 Food sources. (1) Food sources that are not approved include:

(a) Leftover food that was previously served from outside the site;

(b) Home canned food due to the risk of botulism poisoning;

(c) Donated food from restaurants or caterers that was previously served;

(d) Game meat that has not been inspected by the USDA; and

(e) Meat, fish, poultry or milk that is from a source not inspected for sale.

(2) All food must be prepared on-site unless it is provided by a:

(a) Licensed satellite kitchen, catering kitchen or other source licensed by the local health jurisdiction; or

(b) Parent or guardian as provided in WAC 170-297-7525.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7530, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7575 Drinking water. (1) A safe supply of drinking water must always be available to each child and must be served in a sanitary manner.

(2) Drinking water may not be obtained from any hand-washing sink.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7575, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7580 Drinking fountains. (1) Inclined jet-type drinking fountains may be used.

(2) Bubble-type drinking fountains and drinking fountains attached to or part of sinks used for any purpose other than the drinking fountain must not be used.

(3) Drinking fountains must be cleaned and sanitized, as provided in WAC 170-297-0010, on a daily basis or more often as needed.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7580, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7625 Meal and snack schedule. Meals and snacks must be served based on the following:

(1) Breakfast must be made available either by the program or the school;

(2) A snack must be provided for children in care for one to three hours after school; and

(3) When all-day care is provided, meals, including lunch, and snacks must be served at intervals not less than two hours and not more than three and one-half hours apart.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7625, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7650 Serving foods. (1) The licensee or program staff may:

(a) Serve each child individually; or

(b) Serve family style in serving containers that allow each child the opportunity to serve themselves.

(2) The licensee or program staff must:

(a) Closely supervise all children when eating;

(b) Not force or shame a child to eat or try any food;

(c) Not punish a child for refusing to try or eat foods;

(d) Serve meals in a safe and sanitary manner;

(e) Be respectful of each child's cultural food practices; and

(f) Sit with children during meals when possible.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7650, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7675 Food worker card. (1) Each staff person preparing or handling food must obtain and maintain a current Washington state department of health food worker card prior to handling or preparing food.

(2) At least one individual with a food worker card must be on-site during hours when food is provided.

(3) The licensee or designee must provide orientation and ongoing training as needed for all staff involved in food preparation and service.

(4) The licensee must keep a copy of each individual's food worker card on file.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7675, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7680 Safe food handling. (1) Program staff must follow the safe preparation, cooking, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.

(2) Previously prepared food may be served if:

(a) The food was not previously served; and

(b) It was stored at the proper temperature for less than twenty-four hours after preparation.

(3) Leftover foods or opened foods in the refrigerator must be labeled with the date that they were opened or cooked.

(4) Each staff person preparing or handling food must maintain a current Washington state department of health food worker's permit.

[Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 13-21-115, § 170-297-7680, filed 10/22/13, effective 11/22/13. Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7680, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7700 Washing dishes. The licensee or program staff must wash dishes thoroughly after each use by one of the following methods:

(1) Automatic dishwasher; or

(2) Handwashing method, by immersion in hot soapy water, rinsing, and sanitizing, as provided in WAC 170-297-0010, and air drying.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7700, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7725 Food containers and utensils. (1) Cookware containers must not be used to cook or reheat food in a microwave oven, unless the container is labeled by the manufacturer as "for microwave use," "microwave safe," or similar labeling.

(2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use.

(3) The licensee must keep sharp utensils and other utensils that may cause serious injury or a choking hazard inaccessible to children when the utensils are not in use.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7725, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7750 Food preparation area. (1) Program staff must clean and sanitize food preparation and eating surfaces before and after use. The food preparation area must:

(a) Have surfaces that are free of cracks and crevices; and

(b) Have a floor made of a material that is resistant to moisture.

(2) The following kitchen equipment must be available to cook and serve food:

(a) A range with a properly vented hood or exhaust fan; and

(b) A refrigerator and freezer, or a combination refrigerator/freezer.

(3) There must be a designated food preparation sink in the licensed facility. When the food preparation sink is used for other purposes during nonchild care hours, it must be thoroughly cleaned and sanitized, as provided in WAC 170-297-0010, prior to use and a colander must be used to prevent food items from coming in contact with the sink basin.

(4) There must be a handwashing sink accessible during food preparation. See WAC 170-297-4635.

(5) A calibrated and working food thermometer must be used to monitor food temperature. The thermometer must be either a metal stem-type thermometer or a digital thermometer.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7750, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7800 Food storage. (1) Food must be stored:

(a) In the original containers or in clean, labeled containers that are airtight and off the floor;

(b) In a manner that prevents contamination from other sources;

(c) In an area separate from toxic materials such as cleaning supplies, paint, or pesticides;

(d) With a date that is not past the manufacturer's expiration or freshness date; and

(e) In a refrigerator, cooler, or freezer if cold holding is required.

(2) Raw meat, poultry, or fish in the refrigerator must be stored below cooked or ready to eat foods.

(3) Foods not requiring refrigeration must be stored at least six inches above the floor in a clean dry storeroom, or in a closed cupboard or pantry.

(4) Dry bulk foods not in their original containers must be stored in containers with tight fitting covers. Containers must be labeled and dated.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7800, filed 11/19/12, effective 12/20/12.]

WAC 170-297-7825 Satellite kitchens. (1) When a satellite kitchen or catering service is used to provide food to the child care program, the child care program must have on file a copy of the permit issued by the local health jurisdiction to the satellite kitchen or catering service.

(2) When the satellite kitchen or catering service does not remain on-site during the food service the child care program must develop a system to record the temperature of perishable food once it arrives from a satellite kitchen or a catering service. The system must include:

(a) The name and the temperature of the food;

(b) The date and time the temperature was checked; and

(c) The name and signature or recognized initials of the person who is checking and recording the food temperatures.

(3) The child care program must have a written policy that describes:

(a) How food will be handled once it is on-site;

(b) What back-up system the program will use if the food does not arrive, not enough food arrives, or the food cannot be served; and

(c) How records will be stored on-site for six months.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-7825, filed 11/19/12, effective 12/20/12.]

ENFORCEMENT OF LICENSING STANDARDS

WAC 170-297-8000 Facility licensing compliance agreements. At the department's discretion, when a licensee is in violation of this chapter or chapter 43.215 RCW, a facility licensing compliance agreement may be issued in lieu of the department taking enforcement action.

(1) The facility licensing compliance agreement contains:

(a) A description of the violation and the rule or law that was violated;

(b) A statement from the licensee regarding the proposed plan to comply with the rule or law;

(c) The date the violation must be corrected;

(d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date; and

(e) Signature of the licensor and licensee.

(2) The licensee must return a copy of the completed facility license compliance agreement to the department by the date indicated when corrective action has been completed.

(3) The licensee may request a supervisory review regarding the violation of rules or laws identified on the facility license compliance agreement.

(4) A facility license compliance agreement is not subject to appeal under chapter 170-03 WAC.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8000, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8010 Nonreferral status. In addition to or in lieu of an enforcement action under this chapter, the department may place a child care facility on no referral status as provided in RCW 43.215.300(4).

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8010, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8025 Time period for correcting a violation. The length of time the program has to make the corrections depends on:

(1) The seriousness of the violation;

(2) The potential threat to the health, safety and well-being of the children in care; and

(3) The number of times the program has violated rules in this chapter or requirements under chapter 43.215 RCW.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8025, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8050 Civil monetary penalties (fines). A civil monetary penalty (fine) may be imposed when the licensee or program staff violates a rule in this chapter or a requirement in chapter 43.215 RCW.

(1) A fine of two hundred fifty dollars per day may be imposed for each violation.

(2) The fine may be assessed and collected with interest for each day a violation occurs.

(3) A fine may be imposed in addition to other action taken against the license including denial, modification, probation, suspension, revocation, or discontinuation.

(4) At the department's discretion, the fine may be withdrawn or reduced if the child care program comes into compliance during the notification period in WAC 170-297-8075.

(5) When a fine is assessed the licensee has the right to a hearing under chapter 170-03 WAC. The fine notice will include information about the licensee's hearing rights and how to request a hearing.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8050, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8060 When fines are levied. The department may base a fine for violation of a rule under this chapter or a requirement in chapter 43.215 RCW, according to whether the licensee:

(1) Has allowed the existence of any condition that creates a serious safety and health risk;

(2) Or any staff person uses corporal punishment or humiliating methods of control or discipline;

(3) Or any staff person fails to provide the required supervision;

(4) Fails to provide required light, ventilation, sanitation, food, water, or heating;

(5) Provides care for more than the highest number of children permitted by the license at one time; or

(6) Repeatedly fails to follow the rules in this chapter or the requirements in chapter 43.215 RCW. As used in this section, "repeatedly" means a violation that has been the subject of a facility license compliance agreement that occurs more than once in a twelve-month time period.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8060, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8075 Fines—Payment period. A fine must be paid within twenty-eight calendar days after the licensee receives the notice unless:

(1) The department approves a payment plan requested by the licensee; or

(2) The licensee requests a hearing as provided in RCW 43.215.307(3).

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8075, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8100 Notice of fine—Posting. The licensee must post the department letter notifying the licensee of a final notice of a civil penalty:

(1) Immediately upon receipt;

(2) In the licensed space where it is clearly visible to parents and guardians; and

(3) For two weeks or until the violation causing the fine is corrected, whichever is longer.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8100, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8125 Failure to pay a fine—Department action. If the licensee fails to pay a fine within twenty-eight calendar days after the fine assessment becomes final the department may suspend, revoke or not continue the license.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8125, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8150 Denial, suspension, revocation, modification or noncontinuation of a license. (1) A license may be denied, suspended, modified, revoked or not continued when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.

(2) A license may be denied, suspended, modified or revoked when the licensee knowingly allows others to fail to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8150, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8175 Violations—Enforcement action. The department may deny, suspend, revoke, or not continue a license when:

(1) The licensee or program staff are unable to provide the required care for the children in a way that promotes their health, safety and well-being;

(2) The licensee or program staff person is disqualified under chapter 170-06 WAC (DEL background check rules);

(3) The licensee or program staff person has been found to have committed child abuse or child neglect;

(4) The licensee has been found to allow program staff or volunteers to commit child abuse or child neglect;

(5) The licensee or program staff person has a current charge or conviction for a disqualifying crime under WAC 170-06-0120;

(6) There is an allegation of child abuse or neglect against the licensee, staff, or volunteer;

(7) The licensee or program staff person fails to report to DSHS children's administration intake or law enforcement any instances of alleged child abuse or child neglect;

(8) The licensee tries to obtain or keep a license by deceitful means, such as making false statements or leaving out important information on the application;

(9) The licensee or a program staff person commits, permits or assists in an illegal act at the child care premises;

(10) The licensee or a program staff person uses illegal drugs or alcohol in excess, or abuses prescription drugs;

(11) The licensee knowingly allowed a program staff person or volunteer to make false statements on employment or background check application related to their suitability or competence to provide care;

(12) The licensee does not provide the required number of qualified program staff to care for the children in attendance;

(13) The licensee or program staff fails to provide the required level of supervision for the children in care;

(14) When there are more children than the maximum number stated on the license at any one time;

(15) The licensee or program staff refuses to allow department authorized staff access during child care operating hours to:

(a) Requested information;

(b) The licensed space;

(c) Child, staff, or program files; or

(d) Staff or children in care;

(16) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility; or

(17) The licensee or program staff cares for children outside the ages stated on the license.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8175, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8225 Notice of license denial, suspension, revocation, or modification. (1) The department notifies the licensee of the denial, suspension, revocation, or modification of the license by sending a certified letter or by personal service.

(2) The letter contains information on what the licensee may do if the licensee disagrees with the decision to deny, suspend, revoke, or modify the license.

(3) The licensee has a right to appeal the denial, suspension, revocation or modification of the license.

(4) The department notice will include information on hearing rights and how to request a hearing.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8225, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8250 Probationary license. A probationary license may be issued to a licensee operating under a nonexpiring full license as part of a corrective action plan. The department refers the licensee for technical assistance as provided in RCW 43.215.290 prior to issuing a probationary license.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8250, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8275 Probationary license—Cause. A department decision to issue a probationary license must be based on the following:

(1) Negligent or intentional noncompliance with the licensing rules;

(2) A history of noncompliance with the licensing rules;

(3) Current noncompliance with the licensing rules; or

(4) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.215 RCW.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8275, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8300 Issuing a probationary license. When the department issues a probationary license, the licensee must:

(1) Provide the parents and guardians of enrolled children notice of the probationary license in a department-approved format within five working days of the licensee receiving the probationary license;

(2) Provide documentation to the department that parents or guardians of enrolled children have been notified;

(3) Inform new parents or guardians of the probationary status before enrolling new children;

(4) Post documentation of the approved written probationary license as required by RCW 43.215.525; and

(5) Return the licensee's nonexpiring full license to the department.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8300, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8325 Refusing a FLCA or probationary license. (1) The licensee has the right to:

(a) Refuse or refuse to sign a facility licensing compliance agreement; or

(b) Refuse to agree to a probationary license.

(2) Refusing a facility license compliance agreement or probationary license may result in one of the following enforcement actions:

(a) Modification of the license;

(b) Noncontinuation of a nonexpiring full license;

(c) Suspension of the license; or

(d) Revocation of the license.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8325, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8350 Providing unlicensed care—Notice. (1) If the department determines that an individual is providing unlicensed child care, the department will send the individual written notice within ten calendar days to explain:

(a) Why the department suspects that the individual is providing child care without a license;

(b) That a license is required and why;

(c) That the individual must immediately stop providing unlicensed child care;

(d) That if the individual wishes to obtain a license, within thirty calendar days from the date of the department's notice in this subsection (1) the individual must submit a written agreement, on a department form, stating that he or she agrees to:

(i) Attend the next available department child care licensing orientation; and

(ii) Submit a child care licensing application after completing orientation; and

(e) That the department has the authority to issue a fine of two hundred fifty dollars per day for each day that the individual continues to provide child care without a license.

(2) The department's written notice in subsection (1) of this section must inform the individual 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.

(3) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in subsection (1)(d) of this section within thirty 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.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8350, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8375 Unlicensed care—Fines and other penalties. A person providing unlicensed child care may be:

(1) Assessed a fine of two hundred fifty dollars a day for each day unlicensed child care is provided;

(2) Guilty of a misdemeanor; or

(3) Subject to an injunction.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8375, filed 11/19/12, effective 12/20/12.]

WAC 170-297-8400 Hearing process. (1) Department notice of an enforcement action against the license includes information about the right to request an adjudicative proceeding (hearing) and how to request a hearing.

(2) The hearing process is governed by chapter 34.05 RCW, Administrative Procedure Act, applicable sections of chapter 43.215 RCW, Department of early learning, and chapter 170-03 WAC, DEL hearing rules.

[Statutory Authority: Chapter 43.215 RCW. WSR 12-23-057, § 170-297-8400, filed 11/19/12, effective 12/20/12.]