

Chapter 170-296A WAC
Licensed Family Home Child Care Standards

NEW SECTION

170-296A-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 licensing requirements and enforce standards for licensed child care agencies in Washington State, including the authority to adopt rules to implement chapter 43.215 RCW.

NEW SECTION

170-296A-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 family home setting.

NEW SECTION

170-296A-0010 Definitions

The following definitions apply throughout this chapter unless the context clearly indicates otherwise:

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

"Available" means accessible and ready for use or service

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

"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 providing temporary custody, supervision, feeding, guidance, early learning program and activities of children, including transporting children in care.

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

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

"DOH" means the Washington state department of health

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

"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.

“Enforcement action” means a department issued:

- (1) Denial, suspension, revocation or modification of a license;
- (2) Probationary license;
- (3) Civil monetary penalty (fine); or
- (4) 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.

“Licensee” means the individual listed on a 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.

“Licensed space” means the indoor and outdoor space on the premise approved by the department for the purpose of providing licensed child care.

“Licensor” means an individual employed by the department and designated by the director to inspect and monitor a licensed agency for compliance with the requirements of this chapter and chapter 43.215 RCW.

“MERIT” means the managed education registry information tool, formerly known as STARS (state training and registry system).

“Nonprescription medication” means any of the following:

- (1) Non-aspirin fever reducers or pain relievers;
- (2) Non-narcotic cough suppressants;
- (3) Ointment or lotions specially intended to relieve itching;
- (4) Diaper ointments and talc free powders specially used in the diaper area of children;
- (5) Sun screen;
- (6) Hand sanitizer gels; or
- (7) Hand wipes with alcohol.

“One year of experience” means at least twelve months of demonstrated experience:

- (1) In a supervisory role in a child care setting where the individual was responsible for complying with licensing standards;
- (2) As a Washington state:
 - (a) Child care center or school age center director, program supervisor, or lead teacher as defined in chapters 170-151 and 170-295 WAC, or
 - (b) Family home child care licensee or qualified primary staff person;
- (3) By a resume and references.

“Physical Restraint” means the practice of rendering a child helpless or keeping them in captivity.

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

“Primary staff person” means a staff person other than the licensee who has been authorized by the department to care for and have unsupervised access to children in care.

“**RCW**” means Revised Code of Washington.

“**Sanitize**” means the process of using a bleach solution or other department approved product to reduce the number of microorganisms on a surface.

“**Staff**” unless referring specifically to a “primary staff person,” means any primary staff person, assistant, volunteer helping to provide child care, or a household member acting in the capacity of a primary staff person, assistant or volunteer, whether compensated or not compensated.

“**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.

“**WAC**” means the Washington Administrative Code.

Licensing Process

NEW SECTION

170-296A-1000 License required.

(1) An individual who provides care for children in his or her home must be licensed by the department unless exempt under RCW 43.215.010(2).

(2) The individual claiming an exemption must provide to the department proof that they qualify for an exemption using a department approved form.

NEW SECTION

170-296-1025 Who must be licensed.

An individual must be licensed to care for children in his or her home if any of the following apply:

(1) Care is provided for one or more unrelated children outside the child’s home on a regular and ongoing basis, not to exceed twelve children as provided by statute; or

(2) Care is provided for preschool age children for more than four hours a day.

NEW SECTION

170-296A-1050 The licensee.

(1) The licensee is the individual or individuals:

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

(b) Licensed by the department to provide child care and early learning services for not more than twelve children in the licensee’s home in the family living quarters;

(c) Responsible for the overall management of the licensed family child care home;

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

(e) Responsible for training staff and volunteers on the licensing standards in this chapter.

(2) The licensee must comply with all requirements in this chapter, unless a local 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.

(3) The licensee may not hold more than one current family home child care license.

NEW SECTION

170-296A-1075 Child care subsidy.

A licensee who receives child care subsidy payments must follow the requirements of the applicable subsidy program. A licensee who receives subsidy payments:

(1) Under the working connections child care program must follow the requirements in part II of chapter 170-290 WAC.

(2) Under the seasonal child care program must follow the requirements in part III of chapter 170-290 WAC.

NEW SECTION

170-296-1100 Tribal, military, or government regulated or operated child care – Certification for payment.

(1) A family home child care 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 seeking certification under this section must be located on the premises over which the tribe or federal department of defense has jurisdiction.

NEW SECTION

170-296A-1125 Orientation required.

A license applicant must complete an orientation provided by the department within twelve months prior to submitting a license application.

NEW SECTION

170-296-1150 Pre-service training.

(RESERVED) – The department intends to develop rules on required pre-service training standards at a later date.

NEW SECTION

170-296A-1175 MERIT - Basic 20 hour training.

A license applicant must complete the basic twenty hours of MERIT training (formerly STARS) prior to an initial license being granted by the department.

NEW SECTION

170-296A-1200 Background checks.

(1) The license applicant or licensee must submit a completed background check form and obtain an authorization letter from the department consistent with the requirements of chapter 170-06 WAC for each of the following:

(a) Any license applicant;

- (b) The licensee;
 - (c) Each staff person or volunteer age sixteen or older; and
 - (d) Each individual age sixteen or older who resides in the home.
- (2) Any individual who must undergo a background check under chapter 170-06 WAC and who has resided in the state for less than three years must submit a fingerprint card with his or her background check form. See WAC 170-06-0040(1) and RCW 43.215.215.
- (3) Background check authorization letters from the department must be on file for each individual listed in subsection (1) of this section.
- (4) A completed background check form and department authorization is required for each new staff or volunteer age sixteen or older, any person residing in the home who becomes sixteen years old, or for any person age sixteen or older who moves into the home. See WAC 170-06-0040.
- (5) The licensee must not allow any individual who has not obtained a background check authorization letter from the department have unsupervised access to the children at any time.

NEW SECTION

170-296A-1225 Character and suitability review for individuals twelve to sixteen years of age.

- (1) The licensee must submit a completed department character and suitability form and obtain department authorization for each:
- (a) Household member twelve to sixteen years of age; and
 - (b) Assistants or volunteers fourteen to sixteen years of age.
- (2) The department conducts a character and suitability assessment for individuals under subsection (1) of this section as provided under WAC 170-06-0050(2), (3), and (4), and notifies the licensee if the individual is authorized to have access to children in the child care.
- (3) Character and suitability clearance letters from the department must be on file for each individual.

NEW SECTION

170-296-1250 License application packet - Contents.

- (1) The individual seeking a license under this chapter is the license applicant.
- (2) A license applicant(s) must submit a license application packet that includes:
- (a) A completed department application form;
 - (b) Copy of license applicant(s)'s current government issued photo identification;
 - (c) Resume for the license applicant(s);
 - (d) (i) Copy of license applicant(s)'s Social Security number (to comply with RCW 74.20A.330 regarding child support; and
 - (ii) Federal employer identification number (EIN) if applicant plans to employ staff;
 - (e) References from three individuals not related to the license applicant(s);
 - (f) Tuberculosis test results for the license applicant(s) and each staff and household members sixteen years old or older. See WAC 170-296A-1750;
 - (g) Copy of first aid/CPR/blood borne pathogens training certificates for the license applicant(s) and each staff person;
 - (h) Completed background clearance forms, and finger print cards if applicable, for the license applicant(s) and each staff person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;
 - (i) Completed character and suitability forms for anyone residing in the home twelve to sixteen years of age and any assistants fourteen to sixteen years of age;
 - (j) Parent, staff and operation policies (handbooks). See WAC 170-296A2350;

- (k) Floor plan, including proposed licensed and unlicensed space;
 - (l) Septic system inspection report if applicable under WAC 170-296A-1375;
 - (m) Well water testing report if applicable under WAC 170-296A-1400;
 - (n) The license fee; and
 - (o) If applicable, fingerprint fees.
- (3) If there will be more than one individual whose name will appear on the license, each individual license applicant must provide information required in subsections (1) (b), (c), (d)(i), and (e) of this section

NEW SECTION

170-296A-1275 Application processing.

(1) The department may take up to ninety days to complete the licensing process. The ninety days begins when the license applicant(s)'s signed and dated application packet, fees and background check forms have been received by the department.

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

NEW SECTION

170-296A-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 re-apply when the applicant is able to meet licensing requirements.

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

NEW SECTION

170-296A-1325 License fee – When due.

(1) A license applicant must pay a nonrefundable license fee with the license application.

(2) After a license is issued, the licensee must pay the license fee annually. The fee is due on or before the anniversary date of the license.

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

NEW SECTION

170-296A-1350 License fee amount.

The license fee is twenty-four dollars, or as otherwise set by the legislature.

NEW SECTION

170-296A-1375 Private septic system - Inspection and maintenance.

(1) If the licensed premises is 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 qualified septic system inspector:
 - (i) Within six months prior to submitting a license application under WAC 170-296A-1250; and
 - (ii) Every three years after a license is issued under this chapter
 - (b) Maintain the septic system as required by the inspection report; and
 - (4) Septic system inspection and maintenance records must be kept on the premises.

NEW SECTION

170-296A-1400 Private water well.

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

NEW SECTION

170-296A-1425 Initial License.

An applicant who 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.
- (3) The department may limit the number of children or ages of children that the licensee may care for (capacity) under an initial license based on the licensee's child care experience.

NEW SECTION

170-296A-1450 Full License – License issued for three years.

A licensee operating under an initial license who demonstrates full or substantial compliance with the requirements of this chapter may be issued a full license. The full license is valid for three years from the date a first initial license was issued.

NEW SECTION

170-296-1475 Moves.

If the licensee moves the child care to a different residence than currently licensed, even if located on the same premises, the department must inspect the new location and must approve that it meets the requirements of this chapter. The licensee must:

- (1) Submit an application as soon as the licensee plans to move and has an identified address, but not more than ninety days before moving;
- (2) Submit the application before the move; and
- (3) Not operate more than two weeks following the move as provided by statute without a department inspection of the new location.

NEW SECTION

170-296-1500 Moving without submitting application.

If the licensee moves and does not submit an application prior to the move, the license becomes invalid as of the date of the move.

NEW SECTION

170-296A-1525 Change in circumstances.

(1) The licensee must report the following changes in licensee's circumstances to the department within twenty four hours, if the change could compromise the health and safety of the children in care such as:

- (a) The facility;
- (b) Family composition; or
- (c) The child care operation;

(2) The licensee must report at any time if the licensee, staff or a household member is:

- (a) Charged or convicted with a disqualifying crime under WAC 170-06-0120; or
- (b) Alleged to have committed, or received a finding of abuse or neglect of a child or vulnerable adult.

License Renewal

NEW SECTION

170-296-1550 Renewal application.

The licensee must submit a completed renewal application packet every three years. The renewal application packet must be received by the department at least ninety days prior to the license expiration date. The packet must include all of the following required documentation:

- (1) Renewal application, on a form provided by the department;
- (2) New background clearance forms for the licensee, staff, household members sixteen years old and older, or anyone sixteen years old and older having unsupervised access to the children in care;

- (3) Completed character and suitability forms for anyone residing in the home twelve to sixteen years of age and any assistants fourteen to sixteen years of age;
- (4) Copies of licensee and staff's current first aid and CPR certificates;
- (5) Copy of licensee's current government issued picture identification;
- (6) Current parent handbook;
- (7) Revised floor plan if applicable;
- (8) Septic inspection report if applicable under WAC 170- 296A-1375;
- (9) Water test report if applicable under WAC 170-296A-1400; and
- (10) If applicable, any other changes to the program.

NEW SECTION

170-296A-1575 Failure to submit a renewal application.

If the department does not receive a completed renewal application at least ninety days prior to the license expiration date, the license may lapse or renewal may be denied. If a license lapses or renewal is denied, a new license application must be submitted under WAC 170-296A-1250.

NEW SECTION

170-296A-1600 Multiple licenses, certifications or authorizations.

- (1) The licensee must have department approval to have a department-issued child care license and another care giving license, certification or similar authorization.
- (2) If the department determines that the health and safety needs of the children in licensed child care are not being met:
 - (a) The department and licensee may agree to a modification to the child care license;
 - (b) The licensee may give up one of the licenses, certifications or authorizations; or
 - (c) The department may suspend, deny or revoke the child care license.

NEW SECTION

170-296A-1625 Exception to rule.

- (1) The department cannot waive a requirement in the Revised Code of Washington (law or statute).
- (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 licenser; 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 approved or the expiration date of the license.
- (6) If the request is approved, the licensee must post notice of an approved exception with other notices that must be posted for parent and public view.
- (7) The department's denial of an exception request is not subject to appeal under RCW chapter 34.05 and chapter 170-03 WAC.

NEW SECTION

170-296A-1650 Exception to rule – Alternate method of meeting a requirement.

The department may approve an alternate method of achieving a specific requirement's intent.

- (1) The licensee must make a written request for an exception to the rule on a department form.
- (2) The department may approve an exception only for a specific purpose or child.
- (3) An exception is time limited and may not exceed the specific time approved or the expiration date of the license.
- (4) The alternate method must not jeopardize the health, safety or welfare of the children in care.
- (5) A copy of the department approved exception must be posted on the premises for parent and public view.

Staff Qualifications

NEW SECTION

170-296A-1700 Licensee minimum age.

The minimum age to be a licensee is eighteen years old.

NEW SECTION

170-296A-1725 Licensee minimum education

- (1) As of the effective date of this section, an applicant for a family home child care license must have a high school diploma or equivalent to obtain a family home child care license. As used in this section, "equivalent" means:
 - (a) A general equivalency diploma (GED);
 - (b) Written evidence of completing twelve years of elementary and secondary education; or
 - (c) Forty five credits of post secondary education.
- (2) Effective January 1, 2015, each family home child care licensee, including individuals licensed prior to January 1, 2015, must have a high school diploma or equivalent.

NEW SECTION

170-296A-1750 Tuberculosis testing.

The applicant, and each staff person, volunteer fourteen years old and older, and household member sixteen years old and older must provide documentation of:

- (1) A negative Mantoux test (also know as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed:
 - (a) Within twelve months before application or employment; and
 - (b) Every year thereafter; or
- (2) A positive TST or positive IGRA with statement from medical professional.

NEW SECTION

170-296A-1775 Basic 20-hour MERIT training.

A primary staff must complete the basic twenty hours of MERIT training prior to working unsupervised with the children.

NEW SECTION

170-296A-1800 On-going training.

- (1) The licensee and each primary staff person must complete thirty hours of department approved on-going training every three years. The training may include:

- (a) Licensee's or primary staff person's choice; and
- (b) Department directed training based on compliance issues.
- (2) The licensee must complete on-going training requirement prior to obtaining license renewal.
- (3) A primary staff person must complete the on-going training requirement every three years beginning from the date of initial employment.

NEW SECTION

170-296A-1825 First aid and cardio pulmonary resuscitation (CPR).

- (1) The licensee and each staff person must have a current first aid and cardio pulmonary 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 infant, child, and adult CPR; and
 - (c) Include a hands-on component.

NEW SECTION

170-296A-1850 Blood borne pathogens training.

The licensee and each staff person must have written proof of attending an US occupational safety and health administration (OSHA) certified or comparable blood borne pathogens training.

NEW SECTION

170-296A-1875 Primary staff person.

An individual meeting all the qualifications of primary staff person is qualified to be left unsupervised with the children in the licensed child care.

NEW SECTION

170-296A-1900 Primary staff minimum age.

A primary staff person must be a minimum of eighteen years of age.

NEW SECTION

170-296A-1925 Assistants and volunteers - Supervision.

- (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff at all times.
- (2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.
- (3) The licensee or primary staff member must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond.

NEW SECTION

170-296A-1950 Assistants and volunteers – Minimum age.

The minimum age to be an assistant or volunteer is fourteen years of age.

Recordkeeping, Reporting and Posting

NEW SECTION

170-296A-2000 Record keeping; Records available to the department.

The licensee must:

- (1) Keep all records for a minimum of five years.
- (2) Keep all current records (from the previous twelve months) in the licensed space as defined in WAC170-296A-0010.
- (3) Provide to the department any records twelve months to five years old within two weeks of the date of the department's written request.

NEW SECTION

170-296A-2025 Child records - Confidentiality.

- (1) The licensee must maintain records for enrolled children in a confidential manner.
- (2) Each enrolled child's health record must be available to staff when needed for medical administration or emergencies.

NEW SECTION

170-296A-2050 Child records – Contents.

- (1) The licensee must have an enrollment record for every child enrolled. Each child's enrollment record must include the following:
 - (a) Beginning enrollment date
 - (b) End of enrollment date for children no longer in the licensee's care;
 - (c) The child's birth date;
 - (d) The child's current immunization record (department of health child immunization status form or comparable form);
 - (e) The child's known allergies;
 - (f) Names 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 licensee and parent or guardian must have a written plan for medical or dental injury or incident; and
 - (j) Consent to seek medical care and treatment of minor 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 170-296A-3575 and 170-296A-3600);
 - (b) Medication authorization and administration log;
 - (c) Plan for special or individual needs of the child; or
 - (e) Documentation of use of physical restraint;
- (3) The child's records must include signed parent permissions as applicable for:
 - (a) Field trips,
 - (b) Picture taking,
 - (c) Transportation, and
 - (d) Visiting health professionals.

NEW SECTION

170-296A-2075 Licensee and staff records.

Records for the licensee and each staff person must include documentation of:

- (1) Current first aid and infant, child and adult CPR training certification;
- (2) Blood borne pathogens training certification;
- (3) TB test results or documentation from a medical professional;
- (4) Completed background check form and copy of the department-issued authorization letter;
- (5) Copy of a current government issued picture identification;
- (6) Emergency contact information;
- (7) Completed application form for staff when hired;
- (8) Documentation of the licensee's and primary staff only:
 - (a) Twenty-hour basic MERIT training; and
 - (b) On-going training;
- (9) Record of training provided by the licensee to staff and volunteers; and
- (10) Resume for the licensee only.

NEW SECTION

170-296A-2100 Required records for household members.

The licensee must keep the following records for household members:

- (1) Completed background check form and the department-issued clearance letter for each individual sixteen years old and older;
- (2) The department-issued character and suitability clearance letter for household members age twelve to sixteen years old and any assistant or volunteer fourteen to sixteen years old ; and
- (3) TB test results for:
 - (a) Household members sixteen years old and older, and
 - (b) Any household member fourteen to sixteen years old who is an assistant or volunteer.

NEW SECTION

170-296A-2125 Child attendance records – Staff to child ratio records.

The licensee must also keep records of:

- (1) Daily attendance for each child that includes the:
 - (a) Child's dates of attendance;
 - (b) Time the child arrives or returns to the child care, including full signature of the person authorized by parent or guardian to sign the child in; and
 - (c) Time the child leaves from the licensee's care including signature of person authorized by parent or guardian to sign the child out.
- (2) Names of staff being counted to meet the daily staff-to-child ratio requirements.

NEW SECTION

170-296A-2150 Facility records

The license must keep the following facility records:

- (1) Monthly fire inspections required under WAC 170-296A-2900;
- (2) Fire extinguisher maintenance or receipts indicating annual purchase of new fire extinguisher(s), under WAC 170-296A-3000;
- (3) Private septic sewer inspection and maintenance, if required under WAC 170-296A-1375;

- (4) Private water testing if required under WAC 170-296A-1400;
- (5) Installation or assembly instructions for play equipment under WAC 170-296A-5000(3)
- (6) Emergency preparedness evacuation drills;
- (7) Documents from any department visits, inspections or monitoring checklists; and
- (8) As applicable, approved compliance agreements or safety plans between the licensee and the department.

NEW SECTION

170-296A-2175 Materials that must posted.

The following must be posted in the licensed space during operating hours and clearly visible to the parents, guardians and staff:

- (1) A statement of the licensee's philosophy of child development;
- (2) Emergency information:
 - (a) 911 or emergency services number;
 - (b) Name of the licensee, telephone number(s), address, and directions from the nearest major arterial street or nearest cross street to the licensed home;
 - (c) Washington poison center toll-free phone number; and
 - (d) Department of social and health services - children's administration intake (child protective services); local and statewide toll-free phone numbers;
- (3) Emergency preparedness plan and drills 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 escape routes and emergency exits identified;
 - (f) Emergency medical information or explanation of where that information can be found; and
 - (g) Emergency contact information for the licensee if the licensee is not present in the child care.
- (4) Child care licensing information:
 - (a) The current department-issued child care license;
 - (b) Copy of current department approved exceptions to the rule
 - (5) If applicable, notice of any current or pending department enforcement action including probationary license. 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; and
 - (6) Notice that additional information about the child care license is available upon request. This information includes:
 - (i) Copies monitoring checklist;
 - (ii) If applicable, any facility licensing compliance agreement (FLCA);
 - (iii) If applicable; and
 - (iv) If applicable copy of any enforcement action taken by the department for the previous three years; and
 - (7) If applicable, notice that liability insurance coverage has lapsed or been terminated.
 - (8) Statement on how the licensee will communicate with the parent or guardian on their child's development and parenting support.

NEW SECTION

170-296A-2200 Reporting incidents to 911 (emergency services).

The licensee must report to 911 emergency services the following:

- (1) A child missing from the licensee's care, as soon as the provider realizes the child is missing;
- (2) Medical emergency (injury or illness) that requires immediate professional medical care;
- (3) Incorrect administration of any medication, except non-prescription topical creams or ointments;
- (4) Overdose of any oral, inhaled or injected medication;
- (5) Fire and other emergencies; or
- (6) Poisoning or suspected poisoning.

NEW SECTION

170-296A-2225 Reporting incidents to Washington poison center.

The licensee must report to the Washington poison center, after calling 911, and follow any instructions of the poison center:

- (1) Any poisoning or suspected poisoning;
- (2) Incorrect administration of any medication, except non prescription topical creams or ointments;
- (3) Overdose of any oral, inhaled or injected medication.

NEW SECTION

170-296A-2250 Reporting incidents to a child's parent or guardian and the department.

The licensee must report to a child's parent or guardian and the department:

- (1) Immediately:
 - (a) Any incident reported under WAC 170-296A-2200, after calling 911;
 - (b) Any incident reported under WAC 170-296A-2225, after calling 911 and Washington poison center;
 - (c) A child's demonstrated acts, gestures or behaviors that may cause serious intentional harm to self, others or property; or
 - (d) Use of physical restraint with a child.
- (2) Within twenty four hours:
 - (a) Injury or other health concerns to a child that does not require professional medical treatment (report to parent only);
 - (b) Change in child care staff, including serious illness or incapacity of the licensee that may impact child care staffing;
 - (c) Additions to the household of persons sixteen years old or older;
 - (d) The licensee's plans to move, including the date of the move;
 - (e) Change in the licensee's phone number or email;
 - (f) Child's exposure to reportable a communicable disease from the list notifiable conditions in chapter 246-101 WAC; or
 - (g) Updates to the parent handbook.

NEW SECTION

170-296A-2275 Other incident reporting to the department.

(1) The licensee must report any incidents or changes as required under WAC 170-296A-2200, or 170-296A-2225, 170-296A-2300, and 170-296A-2325.

- (2) The licensee must report to the department within twenty four hours:
 - (a) Serious illness or incapacity of the licensee, staff or member of household, if the licensee:
 - (i) Has a reasonable expectation that the illness or incapacity will affect the licensee's ability to provide care, and

- (ii) Is going to continue to provide care.
- (b) For the licensee, staff, volunteer or household member age fourteen or older, any:
 - (i) Charge or conviction for a crime listed in WAC 170-06-0120;
 - (ii) Allegation or finding of child abuse or neglect under chapter 26.44 RCW or chapter 74.15 RCW;
 - (iii) Allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or
 - (iv) Other charge or conviction for a crime that could be reasonably related to providing care for children;
- (c) Fires requiring emergency response or use of a fire extinguisher;
- (d) Structural damage to the licensed care or other parts of the premises that may impact the health and safety of children in care;
- (e) Prior to making structural changes to the licensed space; or
- (f) Change in required policies.

NEW SECTION

170-296A-2300 Reporting to DSHS Children’s Administration intake.

The licensee and staff must immediately report the following to DSHS children’s administration intake-child protective services (CPS) or law enforcement as required under RCW 26.44.040, and to the licensor:

- (1) Suspected child abuse or neglect;
- (2) A child’s disclosure of sexual or physical abuse;
- (3) Sexual contact between two or more children;
- (4) A child’s attempted suicide or talk about attempting suicide; or
- (5) Death of a child while in the licensee’s care or from injury or illness that may have occurred while the child was in the licensee’s care.

NEW SECTION

170-296A-2325 Reporting notifiable condition to health departments.

The licensee must report a child diagnosed with a notifiable condition as defined in chapter 246-101 WAC to the local public health jurisdiction or the state department of health. Contact the local public health jurisdiction for the list of notifiable conditions and reporting requirements.

NEW SECTION

170-296A-2350 Policies.

- (1) The licensee must have written policies for:
 - (a) Parents and guardians, also known as the parent handbook;
 - (b) Program and staff.
- (2) The licensee must submit all policies to the department.

NEW SECTION

170-296A-2375 Parent/guardian policies (handbook).

The licensee’s 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 licensee's view of child learning and development);
 - (6) Typical daily schedule, including food and rest periods;
 - (7) Communication plan with parents/guardians including:
 - (a) How the parent or guardian may contact the licensee with questions or concerns;
- and
- (b) How the licensee will communicate the child's progress with the parent or guardian at least twice a year;
 - (c) How the licensee will support parents regarding parenting;
 - (8) Written plan for any child's specific needs if applicable;
 - (9) Fee and payment plans;
 - (10) Religious activities and how families' specific religious preferences are addressed;
 - (11) How holidays are recognized in the program;
 - (12) Confidentiality policy including when information may be shared;
 - (13) Items that the licensee requires the parent or guardian to provide;
 - (14) Guidance and discipline policy;
 - (15) If applicable, infant/toddler care including SIDS prevention, diapering and toilet training;
 - (16) Reporting suspected child abuse and neglect;
 - (17) Food service practices;
 - (18) Offsite field trips requirements;
 - (19) Transportation requirements;
 - (20) Staffing plan;
 - (21) Access to licensee's and staff training and professional development records;
 - (22) Pet policies. See WAC170-296A-4800;
 - (23) Health care and emergency preparedness policies including:
 - (a) Emergency preparedness and evacuation plans;
 - (b) Injury or medical emergency response and reporting;
 - (c) Medication management including storage and dispensing;
 - (d) Exclusion/removal policy of ill children;
 - (e) Reporting of notifiable conditions to public health;
 - (f) Immunization tracking; and
 - (g) Infection control methods, including:
 - (i) Hand washing and, if applicable, hand sanitizers;
 - (ii) Laundry;
 - (iii) Cleaning and sanitizing procedures including the sanitizing method and products used
 - (iv) Body fluid clean up; and
 - (v) Handling of soiled clothing;
 - (24) Napping/sleeping;
 - (25) No smoking policy;
 - (26) Drug and alcohol policy;
 - (27) If applicable, weapons storage; and
 - (28) If applicable, overnight care requirements.

NEW SECTION

170-296A-2400 Program/staff policies.

The licensee must have program/staff policies that include:

- (1) All information in the parent/guardian handbook under WAC 170-296A-2375;
- (2) Plans to keep required program/staff records current;
- (3) Child supervision requirements;

- (4) Mandatory reporting requirement of suspected child abuse and neglect and other incidents under WAC 170-296A-2300;
- (5) Plan for off-site field trips;
- (6) Plan for transporting children;
- (7) Plans for restricting children's access to unlicensed space;
- (8) Medical emergency, fire, disaster and evacuation responsibilities;
- (9) Guidance and discipline responsibilities; and
- (10) Plan for staff (when applicable) to include:
 - (a) Staff responsibilities;
 - (b) Staff training;
 - (c) Staff expectations; and
 - (d) Professional development.

NEW SECTION

170-296A-2425 Staff policies.

If the licensee hires staff or uses volunteers, the licensee must have staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:

- (1) All the information in the parent/guardian handbook under WAC 170-296A-2375, except fees;
- (2) Plan to keep staff records current including:
 - (a) Completed background check forms and department clearance letters;
 - (b) First aid and CPR certification;
 - (c) TB test results; and
 - (d) Required training and professional development for primary staff persons;
- (3) Job description;
- (4) Staff responsibilities for:
 - (a) Child supervision requirements;
 - (b) Guidance/discipline and techniques;
 - (c) Food service practices;
 - (d) Offsite field trips;
 - (e) Transporting children;
 - (f) Restricting children's access to unlicensed space;
 - (g) Health, safety and sanitization procedures;
 - (h) Medical emergencies, fire, disaster and evacuations;
 - (i) Mandatory reporting of suspected child abuse and neglect; and
 - (j) Overnight care, if applicable.

NEW SECTION

170-296A-2450 Offsite activity policy.

The licensee must have a policy for offsite activities that includes:

- (1) Parent notification and permissions;
- (2) Supervision plan;
- (3) Transportation plan;
- (4) Emergency procedures including bringing each child's;
 - (a) Emergency contact information;
 - (b) Medical records;
 - (c) Immunization records;
 - (d) Individual medications for children who have them; and
 - (e) Medication administration log;
- (5) Medication management;
- (6) Maintaining a complete first aid kit; and
- (7) Charging of fees if any.

Fire and Emergency Preparedness

NEW SECTION

170-296A-2500 Licensor access.

Upon request by the licensor, the licensee must allow licensors access to unlicensed space for the purpose of verifying compliance with requirements for:

- (1) The furnace area under WAC 170-296A-2600;
- (2) Guns and weapons storage under WAC 170-296A-4725;
- (3) Smoke detectors under WAC 170-296A-2950;
- (4) Emergency exits and exit pathways under WAC 170-296A-4500;
- (5) Medication storage under WAC 170-296A-3325 and 170-296A-4100;
- (6) Activities or storage in unlicensed space that may pose a threat to the health and safety of children or the staff.

NEW SECTION

170-296A-2525 Building codes.

A single-family residence used for licensed family home child care is considered a group R (residential), division 3 occupancy structure by the state building code.

NEW SECTION

170-296A-2550 Requesting local fire department visit.

- (1) The licensee must request the local fire department to visit the home to become familiar with the facility and to assist in planning evacuation or emergency procedures.
- (2) If the local fire department does not provide this service, the licensee must document that the request was made.

NEW SECTION

170-296A-2575 Flammable materials.

- (1) The licensee must not allow combustible materials (including but not limited to lint, grease, oils or solvent soaked rags) or rubbish to accumulate; they must be removed from the building or stored in closed metal containers.
- (2) The licensee must store items labeled "flammable," in areas that are inaccessible to children and away from exits.

NEW SECTION

170-296A-2600 Furnaces.

- (1) The licensee must keep furnace rooms free of combustible materials.
- (2) The furnace must be inaccessible to the children, isolated, enclosed or protected.

NEW SECTION

170-296A-2625 Electrical motors.

The licensee must keep electrical motors on appliances free of accumulated dust or lint.

NEW SECTION

170-296A-2650 Fireplaces, woodstoves, similar heating devices.

(1) If the home has a fireplace, woodstove or similar heating device that will be in use, the licensee must:

(a) Have the device inspected annually by a qualified fireplace, woodstove or chimney specialist, and

(b) Maintain the heating device as required by the inspection.

(2) The fireplace, woodstove or similar heating device must be inaccessible to the children during operating hours.

(3) The licensee may provide a written statement if the fireplace, woodstove or similar heating device will not be used at any time.

NEW SECTION

170-296A-2675 Open flame devices, candles, matches and lighters.

(1) Except as provided in WAC 170-296A-2650 or kitchen ranges using natural gas or propane, 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.

NEW SECTION

170-296A-2700 Emergency flash light.

The licensee must have a working flashlight available for use as an emergency light source.

NEW SECTION

170-296A-2725 Portable heaters and generators.

The licensee must not use or allow the use of portable heaters or fuel powered generators in any area inside of the child care home or building during child care hours.

NEW SECTION

170-296A-2750 House numbers.

The licensee must place house numbers or address in a position where the numbers are plainly visible and legible from the street or road fronting the premises.

NEW SECTION

170-296A-2775 Telephone.

(1) The licensee must have a working telephone in the licensed space.

(2) In the event of a power outage, the licensee must have a landline telephone readily available that does not require electricity. Voice over internet telephone or cable telephone service are not acceptable substitutes for a landline telephone.

NEW SECTION

170-296A-2800 Access for emergency vehicles.

The licensed child care home must be accessible to emergency vehicles.

NEW SECTION

170-296A-2825 Fire Evacuation plan.

(1) The licensee must develop a written fire evacuation plan that is posted at a place that is clearly visible to the staff, parents and guardians. The evacuation plan must be evaluated annually and updated as needed.

(2) The evacuation plan must include:

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

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

(c) Actions to be taken by the person discovering the fire, including calling 911;

(d) How the licensee and staff will evacuate all children, especially children who cannot walk, and staff;

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

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

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

NEW SECTION

170-296A-2850 Disaster plan.

(1) The licensee must have a written disaster plan for emergencies other than fire that is reviewed annually and updated as needed.

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

(a) For disasters that require evacuation:

(i) How the licensee and staff will evacuate all children, especially those who cannot walk.

(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; and

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

(b) Earthquake procedures including:

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

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

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

(c) Lockdown of the facility or shelter-in-place to include:

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

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

(iii) How the licensee will maintain three days of food, water, and medications required by individual children; and

(d) How parents and guardians will be contacted after a disaster.

NEW SECTION

170-296A-2875 Fire, disaster training for staff and volunteers.

The licensee must provide fire, evacuation and disaster training for all staff and volunteers. The training must include:

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

(2) Operation of the fire extinguishers;

(3) How to test the smoke detectors and replace smoke detector batteries; and

(4) Staff responsibilities in the event of a fire or disaster.

NEW SECTION

170-296A-2900 Emergency drills.

The licensee and staff must practice with the children fire, evacuation, earthquake and lockdown/shelter-in-place procedures according to the following schedule:

- (1) Fire/evacuation drill: Once each calendar month;
- (2) Earthquake drill: Once every three calendar months; and
- (3) Lockdown/shelter-in-place drill: Once annually.

NEW SECTION

170-296A-2925 Record of emergency drills.

The licensee must keep records of emergency drills performed. Records must include:

- (1) The date and time the drill took place;
- (2) Staff who participated;
- (3) Number of children who participated;
- (4) Length of drill; and
- (5) Notes about how the drill went including:
 - (a) What the licensee learned, and
 - (b) What the licensee thinks should be done differently at the next drill.

NEW SECTION

170-296A-2950 Smoke detectors.

- (1) The licensee must have and maintain working smoke detectors in the home.
- (2) At least one smoke detector must be located:
 - (a) In each sleeping area;
 - (b) On each level of the home; and
 - (c) In the kitchen area
- (3) Smoke detectors must not be placed on the wall above any door.
- (4) One extra battery for each smoke detector must be available.

NEW SECTION

170-296A-2975 Additional method to sound an alarm.

In addition to working smoke detectors, the licensee must have an additional method to sound an alarm that is used only in a fire, emergency situation or drill.

NEW SECTION

170-296A-3000 Fire extinguishers.

- (1) The licensee must have working fire extinguishers, minimum 2 A: 10 BC, readily available. A fire extinguisher must be:
 - (a) Located on each level of the home 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.

NEW SECTION

170-296A-3025 Fire extinguisher, smoke detector use and testing.

The licensee and staff must:

- (1) Demonstrate or describe how to use fire extinguishers;
- (2) Test and operate the smoke detectors; and
- (3) Test alternate alarm device(s).

NEW SECTION

170-296A-3050 Monthly fire inspection.

The licensee must inspect the home once each calendar month to identify possible fire hazards and take action to eliminate any hazards found. If the licensee employs a primary staff person, the primary staff person must participate in monthly fire hazard inspections. The licensee must keep records of monthly inspections.

Health

NEW SECTION

170-296A-3200 Communicable disease - Notice and procedure.

When the licensee becomes aware that he or she, a household member, staff person or child in care has been diagnosed with a known notifiable condition as described in department of health chapter 246-101 WAC, the licensee must:

- (1) Notify:
 - (a) The local public health jurisdiction or the state department of health;
 - (b) DEL within twenty four hours from time you have been notified of the diagnosis;
 - (c) Parents and guardians of other children in care if the condition is a communicable disease; and
- (2) Follow the health plan before providing care or before readmitting the household member, staff person or child into the child care.

NEW SECTION

170-296A-3225 Exclusion of ill persons.

The licensee must have and follow written procedures for excluding or separating a child, staff person, or household member with the following:

- (1) Fever over one hundred one degrees Fahrenheit or higher;
- (2) Vomiting that occurs two or more times in a twenty four hour period;
- (3) Diarrhea with three or more watery stools in a twenty four hour period;
- (4) Rash not associated with heat, diapering or an allergic reaction; or
- (5) Drainage of thick mucus and pus from the eye.

NEW SECTION

170-296A-3250 Immunization tracking.

The licensee is required to track each child's immunization status. The licensee must:

- (1) Have a complete, current, certificate of immunization status form (CIS) or similar form for each child submitted on or before the child's first day of child care;
- (2) Develop a system to update and keep individual immunization records current to include when shots are received; and
- (3) Have the CIS or similar forms available in licensed space for review by the licenser.

NEW SECTION

170-296A-3275 Accepting a child who does not have current immunizations.

The licensee may accept a child who is not current with immunizations on a conditional basis if immunizations are:

- (1) Initiated before or on enrollment; and
- (2) Completed as soon as medically possible.

NEW SECTION

170-296A-3300 Immunizations – Exemption.

The licensee may accept a child without any immunizations if the parent or guardian:

- (1) Signs a statement expressing a religious, philosophical or personal objection to immunization.
- (2) The parent or guardian may use a department of health certificate of exemption form or similar statement.

NEW SECTION

170-296A-3325 Medication management.

The licensee must store all medications, vitamins, herbal remedies, dietary supplements and pet medications, except emergency medications and topical medications described in 170-296A-3525, in a locked cabinet or locked container.

NEW SECTION

170-296A-3350 Child's emergency medications.

The licensee must keep emergency medications inaccessible but available for emergency use to meet a child's emergency medical needs.

NEW SECTION

170-296A-3375 Medication permission.

- (1) The licensee must have written permission from a child's parent or guardian to give a child any medication. The permission must include:
 - (a) Child's name;
 - (b) Name of the medication and condition being treated;
 - (c) Dose to be given;
 - (d) Start and stop date for administering medication not to exceed thirty calendar days, except as provided in subsection (2) of this section;
 - (e) Parent or guardian signature; and
 - (f) Date of signature.
- (2) A parent or guardian may give the licensee ninety calendar days permission for use of the following:

- (a) Diaper ointments and talc free powders intended specifically for use in the diaper area of children;
- (b) Sun screen;
- (c) Hand sanitizer; or
- (d) Hand wipes with alcohol.
- (3) The licensee must keep a written record of medication administration (medication log) that includes the:
 - (a) Child's name;
 - (b) Name of medication;
 - (c) Dose given; and
 - (d) Dates and time of each medication given.
- (4) The licensee must allow the parent or guardian to review written their own child's medication administration records.
- (5) The licensee must return any unused medication to the child's parent or guardian.
- (6) Medication permission forms must be kept confidential.

NEW SECTION

170-296A-3400 Administering medications.

- (1) Only the licensee or primary staff person may administer medication, or observe a child administering their own medication as described in WAC 170-296A-3550, with the exception of topical medications.
- (2) The licensee or primary staff person must not administer an expired medication.

NEW SECTION

170-296A-3425 Medication requirements.

The licensee must follow the medication directions for managing prescription and nonprescription medication for the individual children in care.

NEW SECTION

170-296A-3450 Sedating a child is prohibited.

The licensee must not administer or allow administration 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.

NEW SECTION

170-296A-3475 Administering prescription medication.

The licensee or primary staff must administer a prescribed medication only:

- (1) To the child that the medication is prescribed for;
- (2) In amount and frequency prescribed by a health care professional with prescription authority;
- (3) For the purpose or condition that the medication is prescribed to treat;
- (4) When the medication:
 - (a) Is in the original container;
 - (b) Is labeled with the child's first and last name;
 - (c) Has a non-expired expiration date;
- (5) If the parent or guardian provides information from the pharmacy about:
 - (i) Medication storage;
 - (ii) Potential adverse reactions or side effects; and
- (6) If the medication as been stored at the proper temperature noted on the container label or pharmacy instructions.

NEW SECTION

170-296A-3525 Nonprescription medications:

The licensee or primary staff may administer nonprescription medications only when:

- (1) The nonprescription medication is:
 - (a) Given to or used with a child only in the dosage and as directed on the manufacturer's label; and
 - (b) Given in accordance to the age or weight of the child needing the medication.
 - (c) Given only for the purpose or condition that the medication is intended to treat;
 - (d) Is in the original container;
 - (e) Has a non-expired expiration date, if applicable; and
- (2) The container includes, or the parent or guardian provides information about:
 - (i) Medication storage;
 - (ii) Potential adverse reactions or side effects.
- (3) The medication as been stored at the proper temperature noted on the container label or pharmacy instructions.

NEW SECTION

170-296A-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 170-296A-3475(1) through (6);
- (2) The child is physically and mentally capable of properly taking the medicine;
- (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 medications that may be stored inaccessible to other children but not locked; and
- (5) The licensee or a primary staff person observes and documents that the medication was taken in the child's medication administration record.

NEW SECTION

170-296A-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 to the parent or guardian and a record of the notice must be in the child's file.

NEW SECTION

170-296A-3600 Injuries or illness requiring professional medical treatment.

- (1) When the licensee becomes aware that a child's injury or illness may require professional medical treatment, the licensee must:
 - (a) Call 911, when applicable and follow their recommendations;
 - (b) Administer first aid;
 - (c) Call the child's parent or guardian;
 - (d) Call the department; and
 - (e) Within twenty four hours, submit an injury/incident report form to the department.
- (2) The injury/incident report form must include:
 - (a) The name of child;

- (b) Date, time and location where injury or illness occurred;
- (c) A description of the injury or illness;
- (d) Staff present;
- (e) Action taken by staff; and
- (f) The signature of licensee.

NEW SECTION

170-296A-3625 Hand washing.

- (1) The licensee and staff must follow and teach children proper hand washing procedures. Proper hand washing procedures include:
- (a) Wetting hands with warm water;
 - (b) Adding soap to the hands;
 - (c) Washing hands;
 - (d) Rinsing hands;
 - (e) Drying hands with a paper towel, single-use cloth towel or air hand dryer; and
 - (f) 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, the licensee must wash and sanitize after a single use.
- (4) If an air hand dryer is used, it must have a heat guard to prevent burning and must turn off automatically.

NEW SECTION

170-296A-3650 Hand sanitizer gels.

- (1) The licensee may use hand sanitizer gels only with children over twelve months old with written permission from the child's parent or guardian. Hand sanitizer gels may be used:
- (a) When hand washing facilities are not available, such as an outing, emergency or disaster; or
 - (b) After proper hand washing.
- (2) Hand sanitizer gels must not be used in place of proper hand washing if hand washing facilities are available.

NEW SECTION

170-296A-3675 When hand washing is required.

The licensee, staff and children must wash their hands, follow proper hand washing techniques:

- (1) After using the toilet;
- (2) After diapering a child;
- (3) After outdoor play;
- (4) After playing with animals;
- (5) After touching an animal's toys;
- (6) After touching body fluids;
- (7) Before and after the child eats or participates in food activities; or
- (8) As needed.

NEW SECTION

170-296A-3700 Carpets.

The licensee must clean installed carpet in the licensed space at least once each calendar year or more often when soiled.

NEW SECTION

170-296A-3725 Sleeping.

- (1) The licensee must provide mats, cots, or other sleeping equipment long enough and wide enough for the size of the child.
- (2) The licensee must never place the children directly on the floor to sleep.
- (3) When children are sleeping there must be enough space between children to give staff access to each child.

NEW SECTION

170-296A-3750 Mats, cots and other sleeping equipment.

- (1) The licensee must provide mats, cots, or other sleeping equipment that are:
 - (a) At least one inch thick;
 - (b) Of material that can be cleaned and sanitized;
- (2) Mats, cots or other sleeping equipment must be cleaned, sanitized (using a solution of one-quarter teaspoon of bleach to one quart of cool water) and air dried:
 - (a) At least once a week or as needed if used by one child; or
 - (b) Between each use if used by different children.
- (3) Mats must be stored so that the sleeping surfaces are not touching another child's mat, unless mats are cleaned and sanitized after each use.

NEW SECTION

170-296A-3775 Bedding.

The child's bedding, including sleeping bags and slumber bags, must:

- (1) Meet the child's developmental needs;
 - (2) Consist of a clean sheet or blanket to cover the sleeping surface;
 - (3) Include a waterproof moisture barrier under the sheet or blanket;
 - (4) Have a clean, suitable cover for the child; children must not nap directly on the waterproof moisture barrier or the floor;
 - (5) Be laundered at least weekly or more often if soiled or used by different children;
- and
- (6) Be stored separately from bedding used by another child.

NEW SECTION

170-296A-3800 Overnight sleeping.

If the licensee provides overnight care, the licensee must provide every child a bed or other sleeping equipment to sleep that:

- (1) Is safe and in good condition;
- (2) Is waterproof or washable; and
- (3) Meets the child's developmental needs.

NEW SECTION

170-296A-3825 Loft style and bunk beds.

The licensee must not allow children less than six years of age to use:

- (1) Loft style beds; or
- (2) Upper bunks of bunk beds.

NEW SECTION

170-296A-3850 Cleaning laundry.

The licensee must clean child care laundry using:

- (1) Laundry soap; and
- (2) (a) Temperature control (warm or hot cycle); or
- (b) Bleach.

NEW SECTION

170-296A-3875 Cleaning and sanitizing toys.

The licensee must clean and sanitize toys that go in a child's mouth or have been in contact with other bodily fluids after each child's use.

NEW SECTION

170-296A-3900 Clean and safe toys and play materials.

- (1) The licensee must provide toys, objects and other play materials that:
 - (a) Are washable and clean;
 - (b) Are nontoxic; and
 - (c) Are not a choking hazard for infants or toddlers.
- (2) The licensee must clean and sanitize (using a solution of one quarter teaspoon of bleach to one quart of cool water, or other department approved sanitizer) toys,:
 - (a) Weekly when the toys are used by the children; or
 - (b) When contaminated with body fluids or visibly soiled.

NEW SECTION

170-296A-3925 Sanitizing solution or products.

The following table describes the minimum frequency for cleaning or sanitizing items in the licensed space.

CLEANING AND SANITIZING TABLE			
	CLEAN	SANITIZE	FREQUENCY
(a) Kitchens			
(i) Countertops/tabletops, floors, doorknobs, and cabinet handles	X	X	Daily or more often when soiled
(ii) Food preparation/surfaces	X	X	Before/after contact with food activity; between preparation of raw and cooked foods
(b) Carpets and Large Area Rugs/Small Rugs	X		1. Vacuum daily. 2. Installed carpet must be cleaned yearly or more often when soiled. Small rugs shake outdoors or vacuum daily. Launder weekly or more often when soiled. Removable rugs may be used in the bathroom. They should be easily removable and able to be washed when needed. If used daily when children are in care, rugs must be washed daily.
(c) Toys, other surfaces.			
(i) Utensils, surfaces/toys that go in the mouth or have been in contact	X	X	After each child's use; or use disposable, one-time utensils or toys.

CLEANING AND SANITIZING TABLE			
	CLEAN	SANITIZE	FREQUENCY
with other body fluids			
(ii) Toys that are not contaminated with body fluids and machine-washable cloth toys. Dress-up clothes (not worn on the head or come into contact with the head while dressing). Combs/hairbrushes, (None of these items should be shared among children).	X		Weekly or more often when visibly soiled
(d) Bedding, blankets, sleeping bags, individual sheets, pillowcases, individual cloth towels and washcloths, (if used),	X	X	Weekly or more often when soiled Items that are put in the washing machine will be cleaned by laundry detergent and can be sanitized by temperature (hot water at 140 degrees F.) or a chemical sanitizer such as bleach.
(e) Hats and helmets	X		After each child's use or use disposable hats that only one child wears
(f) Cribs and crib mattresses	X	X	Weekly, before use by different child, and more often whenever soiled or wet
(g) Toilet and diapering areas			
(i) Hand washing sinks, faucets, surrounding counters, soap dispensers, doorknobs	X	X	Daily or more often when soiled
(ii) Toilet seats, Toilet training rings, toilet handles, doorknobs or cubicle handles, floors	X	X	Daily or immediately if visibly soiled
(iii) Toilet bowls	X	X	Daily or more often as needed (e.g., child vomits or has explosive diarrhea, etc.)
(iv) Changing tables, potty chairs (Use of potty chairs in child care is discouraged because of high risk of contamination)	X	X	After each child's use
(h) Waste Receptacles	X		Daily or more often as needed

NEW SECTION

170-296A-3950 Pest control.

When pests are present in the licensed space, the licensee must:

- (1) Take action to remove or eliminate pests; and
- (2) (a) Use the least toxic method possible; or
- (b) If chemical pesticides are used, post a notice visible to parents, guardians and

any other interested party forty-eight hours in advance of the application of pesticides.

NEW SECTION

170-296A-3975 Toxins.

The licensee must:

- (1) Store toxins inaccessible to children and away from food.
- (2) Label the containers when toxins are not in their original containers.

NEW SECTION

170-296A-4000 Lead, asbestos and arsenic.

(1) The licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the licensed space:

- (a) Lead based paint;
- (b) Plumbing containing lead or lead solders;
- (c) Asbestos; or
- (d) Arsenic.

(2) The licensee must complete a safety plan if the child care is located in areas designated by the state department of health or ecology as a lead or arsenic hazard area.

NEW SECTION

170-296A-4025 Drugs and alcohol.

(1) The licensee must not allow staff, volunteers or household members to:

- (a) Have or use illegal drugs on the premises;
- (b) Consume alcohol during operating hours;
- (c) Misuse prescription drugs during operation hours; and
- (d) Be under the influence of alcohol, illegal drugs or misused prescription drugs

when working with or in the presence of children in care.

(2) The licensee must keep and store all alcohol, including closed and open containers inaccessible to children.

NEW SECTION

170-296A-4050 No smoking.

(1) As required by chapter 70.160 RCW, the licensee must prohibit smoking by anyone:

- (a) On the premises; and
- (b) In motor vehicles while transporting children.

(2) The licensee must keep cigarettes, ashtrays and cigarette butts inaccessible to the children.

NEW SECTION

170-296A-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 pack;
 - (h) Mercury free thermometer for taking a child's temperature;
 - (i) Large triangular bandage (for use as a sling);
 - (j) Adhesive tape; and
 - (k) One-way CPR barrier or mask.
- (3) The first aid kit must include a current first aid manual.

NEW SECTION

170-296A-4100 Storage of medications, chemicals and other substances.

The following table describes medications, chemicals and other substances that must be:

- (1) Stored in a locked container or cabinet until use; or
- (2) Stored inaccessible to children. Rescue medications described in subsection (3) of the table must be available for the licensee or primary staff to administer to a child if needed.

Medication/Chemical/Other Substance Storage		
This list is not inclusive of all possible items in each category. Medications must be stored as directed on label, including refrigeration if applicable.	Must be stored locked	Must be Inaccessible to children
(3) Individual child's rescue medications		
(a) Any medication use to treat an allergic reaction		X
(b) Nebulizer medication		X
(c) Inhaler		X
(d) Bee sting kit		X
(e) Seizure medication		X
(f) Medicine needed for emergencies		X
(4) Non-prescription medication		
(a) Pain reliever, cough syrup,	X	
(b) Vitamins all types including natural	X	
(c) Topical non-prescription medication		X
(5) Prescription medication		
(a) Intended use-Topical		X
(b) Intended use – Ingestible or by injection	X	
(6) Chemicals		
(a) Nail polish remover		X
(b) Disinfectant & sanitizers		X
(c) Household cleaners		X
(d) Toxic Paints		X
(e) Plant fertilizer		X
(f) Ice melt		X
(g) Pool chemicals		X
(h) Pesticides/herbicides		X
(i) Fuels, oil, lighter fluid, matches		X
(j) Air freshener, aerosols		X
(7) Other Substances		
(a) Lotions, creams, toothpaste and diaper creams when not in use		X
(b) Liquid, powder or cream personal hygiene products when not in use		X
(c) Shampoo		X
(d) Bubble bath		X
(e) Dish soap		X
(f) Make-up/cosmetics		X

(g) Pet medications	X	
(h) Tobacco products, including cigarette butts and ash trays		X
(i) Alcohol (liquor), opened or unopened		X

Environments

NEW SECTION

170-296A-4200 Removing recalled items.

The licensee must remove any equipment, toys or other items in the child care that have been identified for recall by the US consumer product safety commission.

NEW SECTION

170-296A-4225 Indoor licensed space – Minimum space.

(1) The indoor licensed space must have thirty five square feet per child for the number of children on the home's capacity as noted on the license, measured to include space intended for use by children in care.

(2) The space under furniture used by the children is counted in square footage.

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

(a) Rooms or spaces that are made inaccessible to children in care;

(b) Space under furniture not used by the children;

(c) Hallway space that leads to an exit;

(d) Bathrooms; and

(e) Closets not used for child care activities.

(4) An office or kitchen that is made inaccessible to the children and is not intended for their use may be included as licensed space but is not counted as part of the minimum square footage.

NEW SECTION

170-296A-4250 Indoor temperature.

The indoor temperature must be no less than:

(1) Sixty degrees Fahrenheit when children are sleeping or napping; and

(2) Sixty five degrees Fahrenheit when the majority of the children are awake.

NEW SECTION

170-296A-4275 Fans, air conditioning or cross ventilation.

The licensee must use a fan, air conditioner or cross ventilation in licensed space when the inside temperature exceeds eighty degrees Fahrenheit.

NEW SECTION

170-296A-4300 Window coverings.

(1) Window coverings with pull cords or inner cords capable of forming a loop are prohibited.

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

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

NEW SECTION

170-296A-4325 Stairs.

- (1) If there are stairs in the licensed space, the licensee must:
 - (a) Keep the stairway well lit;
 - (b) Keep the stairway free of clutter; and
 - (c) Have a handrail or vertical slats on one side of the stairs that children can reach.
- (2) The licensee must keep the stairs inaccessible to the children when not in use

with a:

- (a) Barrier;
- (b) Non-pressure gate; or
- (c) Door.

Electrical and Lighting

NEW SECTION

170-296A-4350 Electrical outlets, cords and power strips.

- (1) The licensee must provide screw-mounted outlet covers to all outlets that are accessible to the children.
- (2) Interior outlets near sinks, tubs or toilets must be:
 - (a) Child 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.
- (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 directly into an outlet or into a surge protected power strip.

NEW SECTION

170-296A-4350 Area lighting.

- (1) In the licensed space, lighting must be bright in the children's activity areas, eating areas and the bathroom.
- (2) All other areas in the licensed space must have lighting so children are safe.

NEW SECTION

170-296A-4375 Lighting safety.

- (1) Light fixture covers must be shatter resistant or the light bulbs must be shatter resistant.
- (2) Lights intended or recommended for outdoor use must not be used indoors.
- (3) Halogen lamps must not be used indoors during child care hours.

Exits

NEW SECTION

170-296A-4400 Doors.

This section applies to all exit doors in use during child care operations.

- (1) Except as described in subsection (5) of this section, all exit doors must:
 - (a) Have a locking arrangement that automatically unlocks the door when the doorknob or handle is turned from the inside; or
 - (b) Remain unlocked during child care hours.
- (2) The licensee must be able to demonstrate:
 - (a) How children are prevented from opening any door separating licensed space from unlicensed space; and
 - (b) How the licensee or staff are alerted if an exit door has been opened
- (3) Children must be in sight and hearing of the licensee or staff when the licensed space has a exit door leading directly to unlicensed outside space.
- (4) If an emergency exit door leads to potentially unsafe areas for children, an alarm or other device must be used to signal when the door is opened by a child attempting to leave.
- (5) An exterior door from the licensed space may be locked only if the children and staff are not using that portion of the licensed space, and the door is not designated as an emergency exit in the licensee's fire evacuation plan. The door knob or handle must be of the type that can be opened from the inside without a key, tools or special knowledge.

NEW SECTION

170-296A-4425 Night latches, deadbolts and security chains.

Licensee must have a department approved safety plan in place before using any of the following on an exterior door:

- (1) Night latches;
- (2) Deadbolts; or
- (3) Security chains

NEW SECTION

170-296A-4450 Interior door locks.

When an interior door in any room in the licensed space has a lock, the lock must unlock from the inside. An unlocking device must be readily available for staff to unlock any interior door from the outside.

NEW SECTION

170-296A-4475 Exit pathways.

The licensee must keep all exit pathways free from clutter and obstructions.

NEW SECTION

170-296A-4500 Emergency exits.

- (1) Each floor used for licensed child care space must have at least two emergency exits that open directly to the exterior of the home.
 - (a) The emergency exits on each floor must be remotely located from each other, at opposite ends of the building or as widely spaced as possible.

- (b) One exit must be a door and the other exit may be a door or an emergency window.
- (c) Any emergency exit and path to the exit are licensed space.
- (2) Any door used for an emergency exit must:
 - (a) Be designed to open from the inside without the use of keys, tools or special knowledge
 - (b) Be easy to open to the full position; and
 - (c) Lead to a stairway or other means of getting to ground level if the door opens to a landing that is four feet or more above grade.
- (3) Any window used for an emergency exit window must:
 - (a) Be designed to open from the inside of the room without the use of keys, tools or special knowledge;
 - (b) Be easy to open to the full position;
 - (c) Be at least five-point-seven square foot in area, and when open the opening must be at least:
 - (i) Twenty four inches wide; and
 - (ii) Twenty inches tall;
 - (d) Have a sill height less than forty four inches above the interior floor.
 - (e) Have a place to land outside that is forty eight inches or less below the window which may be either:
 - (i) The ground; or
 - (ii) A sturdy stationary platform. The platform must:
 - (A) Be constructed and inspected by local building officials as meeting current building codes;
 - (B) Be less than forty eight inches to ground level; or
 - (C) If more than forty eight inches above the ground level, have stairs to ground level.
- (4) If licensed child care is provided in a basement or floor level accessed by an interior stairway, the stairway must have a self closing door at the top or bottom.
- (5) A ladder or rope must not be used to to reach exterior ground level, or in place of an exterior platform or stairs to reach ground level.

NEW SECTION

170-296A-4575 Emergency exits from sleeping/napping areas.

Each room used for sleeping or napping must have:

- (1) Doors leading to two separate inside exit ways;
- (2) A door leading directly to the exterior of the building; or
- (3) A door leading to a separate inside exit way and an emergency exit window exiting to the exterior of the building. The emergency exit window must meet the requirements as stated in 170-296A-4500(3).

NEW SECTION

170-296A-4600 Commercial use areas – Fire wall.

- (1) The licensed space must have a fire resistant wall separating the child care space from any space used as a commercial:
 - (a) Kitchen;
 - (b) Boiler;
 - (c) Maintenance shop;
 - (d) Laundry;
 - (e) Woodworking shop;
 - (f) Storage where flammable or combustible materials are stored;

- (g) Painting operations;
 - (h) Automobile or boat building or repair;
 - (i) Parking garage; or
 - (j) Other similar commercial operation.
- (2) Emergency exits must not exit to or go through the commercial space.

NEW SECTION

170-296A-4625 Bathroom ventilation.

Bathroom and toileting areas must be ventilated by the use of a window that can be opened or an exhaust fan.

NEW SECTION

170-296A-4650 Bathroom floors.

- (1) Floors in a bathroom or toileting area must have a washable surface and be resistant to moisture. The floor must be cleaned and sanitized daily or more often if needed.
- (2) Removable rugs may be used in the bathroom. The rugs must be washed when soiled or at least weekly.

NEW SECTION

170-296A-4675 Bathroom sinks.

A sink used for hand washing must be located in or next to bathrooms or other areas used for toileting. The sink must:

- (1) Have warm running water; and
- (2) Be of appropriate height and size for children, or have a platform for the children to use that is safe, easily cleanable and resistant to moisture.

NEW SECTION

170-296A-4700 Water temperature.

Hot water temperature must be kept between eighty degrees and one hundred twenty degrees Fahrenheit.

NEW SECTION

170-296A-4725 Guns and other weapons.

- (1) Licensee must store guns and other weapons inaccessible to children in a:
 - (a) Locked gun safe; or
 - (b) Locked room.
- (2) All guns must be stored unloaded and with a trigger lock.

NEW SECTION

170-296A-4750 Storage for each child's belongings.

The licensee must provide separate storage for each child's belongings. Belongings of children from the same family may be stored together.

NEW SECTION

170-296A-4775 Poisonous plants.

The licensee must remove or make inaccessible any plant on the Washington poison center's list of poisonous or toxic plants at <http://www.wapc.org/poisons/plantlist.htm>.

Pets

NEW SECTION

170-296A-4800 Pet policy.

The licensee with pets must:

- (1) Inform children's parents and guardians that they have 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.

NEW SECTION

170-296A-4850 Pet health and safety.

- (1) Pets that have contact with children must:
 - (a) Have current immunizations for communicable diseases;
 - (b) Show no signs of disease, worms or parasites; and
 - (c) Be nonaggressive.
- (2) Children and staff must wash their hands as required under WAC 170-296A-3625 after they stop interacting with pets or handling pet toys or equipment.

NEW SECTION

170-296A-4875 Pets interacting with children.

The licensee:

- (1) Must have a written plan to keep a pet inaccessible to the children if the pet is known to be dangerous or aggressive.
- (2) Or staff must directly supervise children preschool age and younger when the children are interacting with pets.
- (3) Must make reptiles and amphibians inaccessible to the children due to the risk of Salmonella.

NEW SECTION

170-296A-4900 Pet wastes.

- (1) The licensee must keep litter boxes inaccessible to the children.
- (2) Pets must have a designated area outside the fenced licensed outdoor space to relieve themselves.
- (3) Feces must be removed right away if an animal relieves itself in the licensed outdoor space.

NEW SECTION

170-296A-4925 Licensed outdoor space enclosures.

The licensed outdoor space must be securely enclosed with a barrier of a minimum height of four feet.

- (1) When using a fence as the barrier, the openings between the slats must be no wider than three and one half inches.
- (2) When the licensed outdoor space is not adjacent to the home the licensee must:
 - (a) Identify and use a safe route to and from 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 home.
- (3) The licensed outdoor space must have a method (doors, fencing or other barriers) to make roadways and other dangers inaccessible.

NEW SECTION

170-296A-4950 Rails on platforms, decks, and stairs.

- (1) Platforms or decks (not including play equipment) used at anytime for child care activities with a drop zone of more than eighteen inches must have guardrails in any area where there are no steps.
- (2) Outdoor stairs with four or more steps must have vertical slats (balusters) or a hand rail on at least one side. This requirement does not apply to outdoor play equipment with stairs.

NEW SECTION

170-296A-4975 Outdoor supervision.

- (1) The licensee or primary staff person must be within visual and auditory range when children preschool age or younger are using the licensed outdoor space.
- (2) The licensee or primary assistant must be within visual or auditory range of school age children when in the licensed outdoor space.
- (3) The required staff to child ratio must be maintained when the children are in the licensed outdoor space, except as provided in subsection (4) of this section.
- (4) A second staff person or assistant may engage in other childcare activities temporarily as long as he or she is in hearing or visual range and be available and able to respond if the need arises for the safety of the children.

NEW SECTION

170-296A-5000 Play equipment.

- (1) Play equipment must be developmentally appropriate and maintained in a safe, working condition. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.
- (2) Play equipment must be arranged so that it doesn't interfere with other play equipment when in use.
- (3) The licensee must install or assemble play equipment according to manufacturer specifications, and keep specifications for review by the licensor.

NEW SECTION

170-296A-5025 Outdoor physical activities.

The outdoor play area must promote a variety of physical activities.

NEW SECTION

170-296A-5050 Outdoor bouncing equipment prohibited.

The licensee must not use or allow the use of outdoor bouncing equipment, including but not limited to trampolines, rebounders and inflatable equipment. This requirement does not apply to bounce balls with handles for use by individual children.

NEW SECTION

170-296A-5075 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 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.
- (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 equipment. For swings, the area must extend six feet from the furthest arc of the swing.
- (5) Swings must be positioned so that the furthest arc of the swing is at least ten feet from a fence, building or other play equipment.

NEW SECTION

170-296A-5125 Daily outdoor activity.

The licensee or staff must provide outdoor activities at least thirty minutes each day unless conditions pose a health and safety risk to the children. Conditions that may pose a health and safety risk include but are but not limited to:

- (1) Heat in excess of one hundred degrees Fahrenheit;
- (2) Cold less than twenty degrees Fahrenheit;
- (3) Lightning storm, tornado, hurricane, or flooding, if there is immediate or likely danger to the children;
- (4) Earthquake;
- (5) Air quality emergency ordered by a local or state air quality authority or public health authority;
- (6) Lockdown order by a public safety authority; or
- (7) Other similar incidents.

NEW SECTION

170-296A-5150 Water activity – supervision.

- (1) Unless attending a swimming or water play activity, when outside the licensed premises the licensee must keep children from having access to bodies of water that pose a drowning hazard.
- (2) When the licensee takes children near a body of water that is accessible and more than four inches deep, there must be:
 - (a) A certified lifeguard on duty; or
 - (b) (i) One additional staff member more than the required staff-to- child ratio under WAC 170-296A-5700 to help with the children; and
 - (ii) At least one staff person in attendance must be able to swim.

NEW SECTION

170-296A-5175 Wading pools – Defined - Supervision.

- (1) A wading pool:

- (a) Is an enclosed pool with water depth of two feet or less – measured without children in the pool; and
- (b) Can be emptied and moved.
- (2) When a wading pool on the premises is intended for use by the children, the licensee must:
 - (a) Provide direct supervision by the licensee or a primary staff person;
 - (b) Obtain written parent permission to allow children to use a wading pool;
 - (c) Maintain child/staff ratios when children are in a wading pool;
 - (d) Infants or toddlers in the wading pool must be within reach of the licensee or staff.
 - (e) Use a door alarm or bell to warn staff that children are entering the outdoor area when pool water could be accessed;
 - (f) Clean and sanitize the pool daily or immediately if the pool is soiled with urine, feces or blood; and
 - (g) Keep the wading pool empty when not in use.

NEW SECTION

170-296A-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:
 - (a) Have a five foot fence to block access to the swimming pool;
 - (b) Lock the entrance and exit points to the swimming pool;
 - (c) Have an unlocking device that is inaccessible to children but readily available to the licensee or staff;
 - (d) Maintain the swimming pool according to manufacturer's specifications; and
 - (e) Clean and sanitize the swimming pool using the manufacturer's specifications.
- (3) When the swimming pool on the premises is used by the children the licensee must:
 - (a) Have one person present at the swimming pool with lifeguard training;
 - (b) Provide a one-to-one staff-to-child ratio for infants or toddlers in the swimming pool. Staff must be in constant touch contact with infants or toddlers in the swimming pool; and
 - (c) Provide one additional staff person more than the required staff-to-child ratio under WAC 170-296A-5700 to help supervise children other than infants or toddlers.

NEW SECTION

170-296A-5225 Bodies of water or water hazards.

- (1) (a) As used in WAC 170-296A-5150 and 170-296A-5250, a "body of water" is a natural area or man-made area or device that holds more than two inches of water.
- (b) "Body of water" does not include a wading pool as defined in WAC 170-296A-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:
 - (a) Any body of water in the licensed space must be made inaccessible with a fence or a physical barrier that is at least five feet tall;
 - (b) Children playing near a body of water must be directly supervised by the licensee or a primary staff person with the staff-to-child ratios observed;
 - (c) Hot tubs, spas, or jet tubs must be made inaccessible with a tub cover with a locking device; and
 - (d) Five gallon buckets or similar containers must not be used for infant or toddler water play.

NEW SECTION

170-296A-5250 Safety plan for bodies of water outside and near licensed space.

The licensee must have a written safety plan to protect the children in care when:

- (1) A body of water is located outside and near the licensed space, regardless of whether the body of water is on or off the premises; or
- (2) An uncovered well, septic tank, below grade storage tank; farm manure pond or similar hazards are on the premises.

NEW SECTION

170-296A-5275 Ditches.

Ditches on or adjacent to the premises that may form a body of water must be made inaccessible.

Supervision, Capacity and Ratio

NEW SECTION

170-296A-5400 Infant-toddler only license (Birth to two years old).

(RESERVED). The department plans to consider specialized licenses for specific age groups at a later date.

NEW SECTION

170-296A-5450 Two through five year old only license.

(RESERVED). The department plans to consider specialized licenses for specific age groups at a later date.

NEW SECTION

170-296-5500 School age only license (over five years through twelve years)

(RESERVED). The department plans to consider specialized licenses for specific age group at a later date.

NEW SECTION

170-296-5550 Birth through twelve years license.

(1) The department issues a full license for the licensee to care for not more than twelve children birth through twelve years of age.

(2) The department may issue a full licensee for fewer than twelve children if the total square footage of licensed indoor or outdoor space is less than the minimum square footage required to care for twelve children.

(3) If the licensee has less than one year of child care experience, the department may issue an initial license limited to:

- (a) Caring for not more than six children; or
- (b) Caring for children older than eighteen months of age and walking independently.

(4) See the table in WAC 170-296A-5700 for the number and ages of children a licensee may care for and the staff-to-child ratios required based on the licensee's experience and staffing levels.

NEW SECTION

170-296A-5600 Staff-to-child ratio.

(1) The licensee must provide qualified staff to fulfill the staffing requirements and ratios described in WAC 170-296A-5700 at all times during all operating hours, including off site trips or when transporting children in care.

(2) The licensee must provide additional staff as described in WAC 170-296A- 5150 or 170-296A-5175 or 170-296A-5225 when children are participating in water activities or near water.

NEW SECTION

170-296A- 5625 Capacity.

(1) The licensee must not exceed the total number or ages of children in care (capacity) stated on the child care license.

NEW SECTION

170-296A-5650 Children counted in ratio and capacity.

(1) Children enrolled in the child care program count in ratio through twelve years of age.

(2) All children through twelve years of age in attendance on the premises or being transported by the licensee or staff are counted in the total number of children in the licensee's care.

(3) Any child within the age range on the license count in ratio, including licensee's own children and visiting children who are not accompanied by an adult.

(4) The licensee must receive department approval to care for a child with documented special needs if the child is older than the maximum age identified on the license, except that the child must be under the age of nineteen. If an individual child with special needs requires individualized supervision, the staff member providing individualized supervision does not count in staff to child ratio for the other children in care.

NEW SECTION

170-296A-5700 Capacity and ratio table – Birth to twelve year license.

The table in this section describes the required staff-to-child ratio, age composition of children in care, and maximum licensed capacity permitted in a licensed family home child care depending on the:

- (1) Licensee's years of experience;
- (2) Number and qualifications of staff providing care
- (3) Capacity and ratio table:

Staff	Licensee Minimum Experience and Requirements	Staff-Child Ratio	Age Range	Maximum number of children by age group:	Maximum Capacity
(a) Licensee working alone	Less than one year of experience	1:6	Birth through 12 years of age	Under 18 months of age 2 or	6 - Maximum 2 children not walking independently
				Under two years of age (One must be walking independently) 3	
(b) Licensee working alone	At least one year of experience	1:8	18 months through 12	18 months to 2 years (Must be walking independently)	8

			years of age	2 or	
				Under three years of age (Not more than two under two years of age and must be walking independently) 4	
(c) Licensee working alone	At least two years of experience and 30 hours of early childhood education equivalent MERIT training	1:10	Three years through 12 years of age	Not Applicable	10
(d) Licensee working with primary staff or assistant (2 staff total)	Licensee has at least one year of experience	2:9	Birth through 12 years of age	Under 18 months of age 2 and	9
				18 months to two years of age and walking 1 and	
				Two years to three years of age 4	
(e) Licensee working with primary staff or assistant (2 staff total)	Licensee has two or more years child care experience and 30 hours of early childhood education equivalent MERIT training	2:12	Birth through 12 years of age	Under 18 months of age 4 and	12
				18 months to two years of age and walking 2 and	
				Two years to three years of age 4	
(f) Licensee working with primary staff or assistant (2 staff total)	Licensee has two or more years child care experience and 30 hours of early childhood education equivalent MERIT training	2:12	Two through 12 years of age	Not Applicable	12

(4) As used in this section, “walking independently” means being able to stand and move about easily without the aid of, assistance of, or holding on to an object, wall, equipment or other person.

Licensee Responsibilities

NEW SECTION

170-296A-5750 Supervising children.

When the licensee or primary staff are supervising staff, they must be:

- (1) Aware of what staff are doing; and
- (2) Available and able to promptly assist to protect the health and safety of children in care.

NEW SECTION

170-296A-5775 Licensee absence.

(1) The licensee must have a written policy and procedure for staff to follow any time the licensee is absent from the child care. The policy and procedure must include, but is not limited to:

- (a) Staffing plan to include:
 - (i) That qualified primary staff will be present and in charge at all times during the licensee's absence;
 - (ii) Staff roles and responsibilities;
 - (iii) How staff-to-child ratios will be met; and
 - (iv) How staff will meet the individual needs of children in care;
- (b) How parents will be notified in writing;
- (c) Responsibility for meeting the requirements of this chapter and chapter 43.215

RCW;

- (d) Emergency contact information for the licensee; and
 - (e) Licensee's expected outside work schedule if applicable.
- (2) The department must approve the licensee's plan. The department may require modifications to the proposed plan if it does not meet licensing requirements.
- (3) Prior to engaging in employment outside of the child care home during child care hours the licensee must inform the department in writing.

NEW SECTION

170-296A-5800 Orientation for staff.

The licensee must provide an orientation to all staff on licensing standards in this chapter, including the licensee's policies and procedures, and document when the training occurred and identify staff that received the training.

NEW SECTION

170-296A-5825 Licensee absence; Retraining for staff if standards are violated.

If the department issues a facility license compliance agreement as a result of staff not following the licensing standards of this chapter in the licensee's absence, the licensee must:

- (1) Retrain the staff on the licensing standards in this chapter; and
- (2) Document that the retraining occurred.

NEW SECTION

170-296A-5850 Licensee notice of absences.

(1) The licensee must notify the department forty eight hours prior to the following absences during child care hours:

- (a) Outside employment;
- (b) Vacation or absence exceeding seven consecutive days when the child care will remain open; and
- (c) Regularly scheduled absences during child care hours.

(2) The licensee must inform the department of the following regarding an absence:

- (a) Time period of the absence;
- (b) Plan including who will be left in charge of the child care;
- (c) Contact information for licensee; and
- (d) How parents will be informed prior to the absence.

NEW SECTION

170-296A-5875 Notifying parents of closures, absences, staff changes.

The licensee must notify parents in writing of:

- (1) Closures;
- (2) Licensee's potential absences, and
- (3) Staffing changes.

NEW SECTION

170-296A-5900 Notifying the licensor.

The licensee or another person must notify the licensor:

- (1) Of the licensee's emergency absence, as soon as possible and not later than twenty four hours after the start of the emergency absence; or
- (2) When the licensee's physical or mental health prevents the licensee from providing direct care as required by this chapter.

Nurture and Guidance

NEW SECTION

170-296A-6000 Interactions with children.

The licensee and staff members must:

- (1) Demonstrate positive interactions when children are present;
- (2) Interact with children through listening and responding to what the children have to say;
- (3) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way. Explain your actions, even to very young babies;
- (4) Treat each child with consideration and respect;
- (5) Appropriately hold, touch and smile at children;
- (6) Speak to the children at their eye level when possible and appropriate;
- (7) Be responsive to children, encouraging them to share experiences, ideas and feelings;
- (8) Respond to and investigate cries or other signs of distress immediately; and
- (9) 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.

NEW SECTION

170-296A-6025 Prohibited interactions.

In the presence of the children in care the licensee, staff and household members must not:

- (1) Use profanity, obscene language "put downs" or cultural 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 on anyone, such as, but not limited to:

- (a) Spanking children with a hand or object;
- (b) Biting, jerking, kicking, hitting, or shaking;
- (c) Pulling hair;
- (d) Pushing, shoving or throwing anyone; or
- (e) Inflicting pain as a punishment.

NEW SECTION

170-296A-6050 Guidance and discipline.

The licensee and 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 are related to the child's behavior.

- (1) Only the licensee or primary staff person trained in the licensee's expected standards may discipline a child in care.
- (2) The licensee is responsible for:
 - (a) Setting standards for guidance and discipline;
 - (b) Communicating to parent, guardians, and children in care what the standards are;
 - (c) Training staff and volunteers in the standards of guidance and discipline; and
 - (d) Any disciplinary actions that occur during child care hours.

NEW SECTION

170-296A-6075 Positive options for discipline.

The licensee and staff must use positive guidance methods. The guidance methods may include any of the following:

- (1) Distracting;
- (2) Redirecting;
- (3) Planning ahead to prevent problems;
- (4) Encouraging appropriate behavior;
- (5) Explaining consistent, clear rules;
- (6) Allowing children to be involved in solving problems; and
- (7) Explaining to the child the reasonable and age appropriate natural and logical consequences related to the child's behaviors.

NEW SECTION

170-296A-6100 Separating a child from the group.

- (1) The licensee or primary staff may separate a child three years or older from other children as a form of discipline only long enough to allow the child to regain control of his or her self. The child must remain under the direct supervision of the licensee or primary staff person.
- (2) The licensee or primary 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 put any child in a closet, a locked room, outside or in unlicensed space by themselves for the purpose of discipline; and
 - (d) Not use high chairs, car seats and other confining space or equipment for the purpose of punishment or restricting a child's movements.

NEW SECTION

170-296A-6125 Preventing harmful or aggressive acts.

The licensee and staff must:

- (1) Take steps to protect children from the harmful acts of other children; or
- (2) Immediately intervene when a child becomes physically aggressive.

NEW SECTION

170-296A-6150 Prohibited actions.

The licensee, staff or a household member must not:

- (1) Restrict a child's breathing;
- (2) Deprive a child of:
 - (a) Sleep, food, 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 their own hygiene and toileting needs, or
- (4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.

NEW SECTION

170-296A-6175 Physical restraint – Using alternate methods before.

- (1) Licensee must train primary staff on alternate methods to use before using physical restraint.
- (2) Before using physical restraint, the licensee and staff must first use other efforts to redirect or de-escalate a situation.

NEW SECTION

170-296A-6200 Physical restraint – Prohibited uses or methods.

The licensee must not use or allow the use of:

- (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, or straps; 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.

NEW SECTION

170-296A-6225 Physical restraint – holding method allowed.

When a child's behavior makes it necessary, for his own or other's protection the licensee or primary 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.

NEW SECTION

170-296A-6250 Notice and documenting use of physical restraint.

If physical restraint is used the licensee must:

- (1) Report use of physical restraint to the child's parent or guardian and the department as required under WAC 170-296-2250;
- (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 record; and
- (4) Develop a safety plan with the licensor if required by the department.

NEW SECTION

170-296A-6275 Abuse and neglect – Protection and training.

(1) The licensee and 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).
- (2) The licensee must provide training for staff, volunteers and household members 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.

NEW SECTION

170-296A-6300 Child opportunities for vocal expression.

. Licensee and staff voices must not always dominate the overall sound of the group.

Program

NEW SECTION

170-296A-6400 Off site activities – Parent or guardian permission.

The licensee must:

- (1) Have written permission from the parent or guardian prior to the child engaging in offsite activities. The written permission must be kept in the child's file.
- (2) Have a separate permission for activities that occur less often than once per calendar month.
- (3) Inform parents of planned off site activities at least twenty four hours before the activity.

NEW SECTION

170-296A-6425 Off site activity supervision.

When on an off site activity, the licensee, staff and other adults responsible for the care of the children must provide supervision where they can promptly assist or redirect activities at all times.

NEW SECTION

170-296A-6450 Off site activity – Emergency information and supplies.

When on an off site activity, the licensee must have available:

- (1) An emergency consent form for each child that includes:
 - (a) Emergency contact information;
 - (b) Permission to obtain medical treatment of 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) A working cellular phone or other telecommunication device; and
- (3) Emergency supplies, including:
 - (a) A first aid kit, and
 - (b) Each child's required medication or emergency medicine, if applicable.

NEW SECTION

170-296A-6475 Transportation.

When transporting children the licensee and staff must:

- (1) Follow current law regarding child restraints and car seats;
- (2) Carry in the vehicle all items required under WAC 170-296A-5650 and a current copy of each child's completed enrollment form;
- (3) Maintain the vehicle in safe operating condition;
- (4) Have, or require that each driver has, a valid driver's license;
- (5) Have a current insurance policy that covers the driver and vehicle;
- (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.

NEW SECTION

170-296A-6500 Using public transportation.

The licensee may transport children using public transportation, provided that children are supervised at all times and required staff-to-child ratios are maintained. The licensee or staff must not allow or send children on public transportation unsupervised.

NEW SECTION

170-296A-6525 Transporting children – Limited periods.

The licensee must not transport children for periods of more than two hours per day on a regular and ongoing basis.

NEW SECTION

170-296A-6550 Developmental activities.

- (1) The licensee must have a daily schedule that includes program activities.
- (2) The daily schedule must include:
 - (a) Hours of operation;
 - (b) Types of activities, including screen-time;
 - (c) General timelines for activities;
 - (d) Routine transportation times;
 - (e) Meal service;

- (f) Rest periods;
- (g) Outdoor times; and
- (h) If applicable, overnight care.
- (3) Evidence of daily activities may be shared or demonstrated through:
 - (a) Display;
 - (b) Writing; or
 - (c) A checklist.

NEW SECTION

170-296A-6575 Activities to promote child growth and development.

The licensee must provide activities that support the children's growth and development including:

- (1) Social, emotional and self development;
- (2) Positive self concepts;
- (3) Language and literacy;
- (4) Physical development, including daily opportunities to develop the child's small and large muscles;
- (5) Spatial concepts (for example: size, position); and
- (6) Numeracy (counting and numbers).

NEW SECTION

170-296A-6600 Toys for infants and toddlers.

The licensee must provide toys for infants and toddlers, or children at those developmental levels, which are large enough to avoid swallowing or choking.

NEW SECTION

170-296A-6625 Art materials.

- (1) All art materials used by children under the age of three must be nontoxic.
- (2) Art materials without non-toxic designation may be used by children older than toddlers, and must be used under direct supervision and according to the manufacturer's label.

NEW SECTION

170-296A-6650 Screen Time.

If the licensee or staff provide screen time to children, the screen time must:

- (1) Be developmentally and age appropriate,
- (2) Have child-related content, and
- (3) Not have violent or adult content.

NEW SECTION

170-296A-6675 Screen time – Limitations.

The licensee or staff must:

- (1) Limit screen time for any child to less than two hours per day;
- (2) Not require children to participate in screen time;
- (3) Provide alternative activities to screen time; and
- (4) Place children at least three feet from a television screen.

NEW SECTION

170-296A-6700 Limiting screen time for children under two.

The licensee must minimize exposure to screen time for any child under the age of two by:

- (1) Moving the child away from the screen; and
- (2) Providing alternative activities.

NEW SECTION

170-296A-6725 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 rules for the special needs of individual children when:

- (a) The license 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 has supporting documentation of the child's special need provided by a health professional.

(2) Professionals who may submit acceptable documentation include a licensed or certified:

- (a) Physician or physician's assistant;
- (b) Mental health professional;
- (c) Education professional;
- (d) Social worker with a bachelors degree or higher degree with a specialization in the individual child's needs; or

(e) Registered nurse or advanced registered nurse practitioner.

(3) The documentation must be in the form of an:

- (a) Individual education plan (IEP);
- (b) Individual health plan (IHP); or
- (c) Individual family plan (IFP).

(4) The licensee'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.

NEW SECTION

170-296A-6750 Counting a child with a special need in ratio.

The licensee must request department approval to count a child with documented special needs in the staff-to-child ratio when the child is over the maximum age allowed on the license and the child is under age nineteen.

NEW SECTION

170-296A-6775 Diversity.

The license must:

(1) Provide an environment that reflects each child's daily life, family culture and language.

(2) Describe or demonstrate to the licenser, 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 found in society.

NEW SECTION

170-296A-6800 Rest periods.

(1) The licensee must offer a supervised rest period for children.

- (2) The supervised rest period must be:
 - (a) Offered to all children five years of age and younger who remain in care more than six hours;
 - (b) Offered to any child who shows a need for rest; and
 - (c) A minimum of thirty minutes.
- (3) The licensee must:
 - (a) Not force a child to sleep;
 - (b) Provide quiet activities for the children that do not require rest. These activities must be offered with a minimum of disruption to sleeping children; and.
 - (c) Communicate with the parents about the child's sleep needs and patterns.

See WAC 170-296A-3750 through 170-296A-3825 regarding sleeping equipment and bedding requirements.

NEW SECTION

170-296A-6850 Overnight care.

If the licensee provides overnight child care:

- (1) The licensee or primary staff person must be awake until all children in care are asleep;
- (2) A qualified primary staff person must be on the same level of the home as the children in care;
- (3) The licensee or primary staff person must maintain required staff-to-child ratios; and
- (4) The daily schedule under WAC 170-296A-6550 must include evening or overnight care.

See WAC 170-296A-3750 through 170-296A-3825 for sleeping equipment and bedding requirements related to overnight care.

Infant Care

NEW SECTION

170-296A-7000 Baby walkers prohibited.

The licensee must not use or allow the use of baby walkers with children in care.

NEW SECTION

170-296A-7025 Infant sleeping position.

The licensee or staff must place infants in a prone position, lying on the stomach, part of the time when they are awake.

NEW SECTION

170-296A-7050 Infant supervision.

The licensee or a primary staff person must be within sight and hearing of infants and toddlers in the licensed indoor or outdoor space, or during any off site activity when infants or toddlers in care are present.

NEW SECTION

170-296A-7075 Infant sleeping or napping.

- (1) The licensee must:
 - (a) Provide sleeping or napping equipment for each infant in care that is safe and not subject to tipping. The equipment must be of a design approved for infants by the US consumer product safety commission;
 - (b) Provide sleeping or napping equipment with clean, firm, and snug fitting mattresses at least one inch thick that is covered with waterproof material that is easily cleaned and sanitized. The mattress must not have tears or holes or be repaired with tape;
 - (c) Arrange sleeping equipment to allow staff access to children;
 - (d) Remove sleeping children from car seats, swings or similar equipment; and
 - (e) Consult with a child's parent or guardian before the child is transitioned from infant sleeping equipment to another approved sleeping surface.
- (2) Children that may climb out of their sleeping equipment must be transitioned to an alternate sleeping surface.
- (3) If a crib with vertical slats is used, the slats must be spaced not more than two and three eighths inches apart.

NEW SECTION

170-296A-7100 Infant supervision; Procedures to reduce the risk of sudden infant death syndrome (SIDS).

- (1) Infants must be in the licensed area approved for infants and within visual and auditory range of the licensee or staff.
- (2) The licensee or staff must:
 - (a) Place infants to sleep on their backs to reduce the risk of sudden infant death syndrome (SIDS). If the infant has turned over while sleeping, the infant does not need to be returned to his or her back;
 - (b) Place the infant on a firm mattress with a tight fitting sheet in the sleeping equipment;
 - (c) Not allow soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the infant sleeping equipment;
 - (d) Not cover the infant's head and face during sleep;
 - (e) Take steps so that infants do not get too warm during sleep; and
 - (f) Place the infant in another sleeping position other than on their backs if required by a written directive or medical order from the infant's health care provider. This directive or medical order must be in the infant's file.

NEW SECTION

170-296A-7125 Infant bottles.

- The licensee must:
- (1) Heat bottles in warm water or placed in a container of water that is not warmer than one hundred twenty degrees Fahrenheit;
 - (2) Not use a microwave oven to warm the contents of a bottle;
 - (3) Clean and sanitize bottles and nipples before each use;
 - (4) Keep bottle nipples covered if bottles are prepared ahead, and label the bottle with the date it was prepared;
 - (5) Not allow infants to share bottles or infant cups;
 - (6) Have a method to identify the individual child's bottle or cup;
 - (7) Keep the contents of a child's bottle inaccessible to other children;

(8) Throw away milk (except breast milk) or formula if it has been sitting at room temperature for more than one hour; and

(9) Throw away breast milk if it has been sitting at room temperature for more than two hours.

NEW SECTION

170-296A-7150 Storing breast milk.

When storing breast milk, the licensee must:

(1) Label the contents with the child's name and date the milk was brought to the child care;

(2) Store the frozen breast milk at ten degrees Fahrenheit or less;

(3) Thaw the breast milk in the refrigerator, or under warm running water, or in a pan of warm water;

(4) Never use a microwave oven to thaw or warm breast milk or in a pan of water heated on the stove;

(5) Keep frozen breast milk for no more than three months, if stored in a freezer or separate freezer compartment of a refrigerator; and

(6) Use frozen breast milk within twenty four hours after thawing;

NEW SECTION

170-296A-7175 Feeding infants.

(1) The licensee and staff must:

(a) Hold infants when bottle feeding;

(b) Not prop bottles when feeding an infant; and

(c) Not give a bottle or cup to an infant who is lying down.

(2) When an infant can hold his or her own bottle, the licensee or staff must:

(a) Place the infant in a semi-reclining or upright position during bottle feeding; and

(b) Be in the same room within visual range of the infant during feeding.

(3) The licensee or staff must take the bottle from the infant when the child finishes feeding.

NEW SECTION

170-296A-7200 Feeding solid food to infants.

(1) The licensee must consult with an infant's parent or guardians before introducing solid food to the infant.

(2) When serving infants solid food the licensee or staff must:

(a) Sit the infant in a semi-reclining or upright position;

(b) Not allow infants to share the same dish or utensil;

(c) Stir and test for safe temperature after heating food and before serving;

(d) Throw away any uneaten food from the serving container;

(e) Serve solid food by utensil or let the child feed themselves; and

(f) Feed the infant on demand unless the parent or guardian gives written instructions for an alternative feeding schedule.

NEW SECTION

170-296A-7225 High chairs.

(1) If a high chair is used the licensee must provide a high chair with:

(a) A base that is wider than the seat; and

(b) A safety device that prevents the child from climbing or sliding down the chair.

(2) The licensee or staff must belt in children seated in a high chair.

NEW SECTION

170-296A-7250 Diapering and toileting.

- (1) The licensee must provide a diaper changing area that is separate from any area where food is stored, prepared or served.
- (2) The diaper changing area must:
 - (a) Have a sink with hot and cold running water close to the diaper changing area. The sink must not be used for food preparation and clean up;
 - (b) Have a sturdy, easily cleanable mat with a surface large enough to prevent the underneath from being contaminated with bodily fluids; and
 - (c) Be cleaned and sanitized between each use:
- (3) A nonabsorbent, disposable covering that is discarded after each use may be used on the diaper changing mat.

NEW SECTION

170-296A-7275 Diaper disposal.

- (1) The licensee must provide a container specifically for diaper disposal that is not used for other household trash. The diaper disposal container must:
 - (a) Have a tight cover,
 - (b) Be lined with a disposable plastic trash bag, and
 - (c) Be within arm's reach of the diaper changing area.
- (2) If disposable diapers are used, the diaper disposal container must be emptied to the outside garbage can or container daily.
- (3) If cloth diapers are used, the diapers must be
 - (a) If supplied by a commercial diaper service, kept in the diaper disposal container until picked up by the diaper service; or
 - (b) If supplied by the child's parent or guardian, placed in a securely closed plastic bag and sent home with the child daily.

NEW SECTION

170-296A-7300 Diaper changing.

- (1) The licensee or staff must:
 - (a) Check diapers at least every two hours;
 - (b) Change the diaper when necessary, or whenever the child indicates discomfort;
 - (c) Attend to the child at all times when diapering a child;
 - (d) Not rinse soiled diapers; and
 - (e) Place soiled diapers directly into a diaper waste container.
- (2) Diapers used must be:
 - (a) Disposable; or
 - (b) Cloth diapers supplied by a commercial diaper service; or
 - (c) Reusable cloth diapers supplied by the child's family.
- (3) When cloth diapers are used a washable barrier must be used between the diaper and the child's clothes.

NEW SECTION

170-296A-7325 Washing hands after diapering

The licensee or staff must wash their hands and the child's hands immediately after diapering.

NEW SECTION

170-296A-7350 Toilet training.

The licensee must discuss with the child's parent or guardian toilet training when a child is ready for training. The licensee or staff must use:

- (1) Positive reinforcement;
- (2) Culturally sensitive methods;
- (3) Developmentally appropriate methods; and
- (4) A routine developed in agreement with the parent or guardian.

NEW SECTION

170-296A-7375 Potty chairs or modified toilet seats.

(1) When potty chairs or modified toilet seats are used the licensee must:

- (a) Empty potty chairs into the toilet, and
- (b) Clean and sanitize the potty chair or modified toilet seat between uses.

(2) The floor under the potty chairs must be made of a material that is resistant to moisture.

Food Service and Nutrition

NEW SECTION

170-296A-7500 Food must meet USDA guidelines.

The licensee must provide meals and snack foods to children in care according to the March 2007 edition of the US department of agriculture (USDA) – creditable food guide, child and adult care food program charts for the ages of children in the licensee's care. The food program charts are available online at

<http://www.k12.wa.us/ChildNutrition/pubdocs/CreditableFoodsGuideMAR2007FINAL.pdf>

NEW SECTION

170-296A-7525 Parent or guardian-provided alternate food.

(1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by him or her and the licensee. This written food plan includes accommodations for:

- (a) The child's medical needs,
- (b) Special diets,
- (c) Religious or cultural preference, or
- (d) Family preference.

(2) The licensee must supplement the alternative food provided by the parent or guardian with foods listed in the USDA creditable food guide foods if the alternative food does not meet the nutritional needs of the child.

NEW SECTION

170-296A-7550 Home canned foods.

The licensee must not serve home-canned foods due to the risk of botulism poisoning.

NEW SECTION

170-296A-7575 Drinking water.

The licensee must supply safe drinking water for the children in care. Drinking water must be served in a safe and sanitary manner and be available throughout the day. See WAC 170-296A-1400 for water testing requirements for a family home child care that receives its drinking water from a private well.

NEW SECTION

170-296A-7600 Serving milk.

The licensee must serve milk according to age:

- (1) Serve breast milk or formula to children from birth to twelve months old.
- (2) The licensee may serve breast milk or formula to children after twelve months of age until the parent or guardian is ready to serve whole pasteurized milk.
- (3) Serve whole pasteurized milk to children from twelve months to twenty four months old;
- (4) Serve pasteurized milk or pasteurized milk product to children over twenty four months old.

NEW SECTION

170-296A-7625 Meal and snack schedule.

Meals and snacks must be offered at intervals of at least two hours apart and no more than three hours unless the child is asleep.

NEW SECTION

170-296A-7650 Serving foods.

- (1) The licensee or 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 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 and be respectful of each child's cultural food practices; and
 - (e) Sit with children during meals when possible.

NEW SECTION

170-296A-7675 Food handling and preparation.

- (1) The licensee must have a current state food handler's permit.
- (2) One staff person with a current state food handler's permit must be present whenever food is prepared or served to children in care.
- (3) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature and serving guidelines in the 2009 edition of the food workers manual prepared by the state department of health.
- (4) The licensee and staff must:
 - (a) Wash their hands prior to preparing food and after handling raw meats, poultry or fish; and

- (b) Not prepare food when ill with vomiting or diarrhea.

NEW SECTION

170-296A-7700 Washing dishes.

The licensee or staff must wash dishes thoroughly after each use by one of the following methods:

- (1) Automatic dishwasher; or
- (2) Hand washing method, by emersion in hot soapy water, rinse, sanitize and air dry.

NEW SECTION

170-296A-7725 Food containers and utensils.

(1) The licensee must not use or allow plastic containers to be used to cook or reheat food, unless the container is certified by the manufacturer as made without the chemical bisphenol-A.

(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 cooking utensils out the reach of children when not in use.

(4) The licensee must not use polystyrene (“styrofoam”) cups for infants or toddlers.

NEW SECTION

170-296A-7750 Food preparation area.

(1) The licensee or staff must clean and sanitize food preparation surfaces before and after use. The licensee’s food preparation area must:

(a) Have surfaces that are free of cracks and crevices; and

(b) Have a floor area made of a material that is resistant to moisture.

(2) The licensee must not allow pets in the food preparation area while food is being prepared.

(3) The licensee may use the kitchen for other activities provided there is continual supervision of the children.

Enforcement of Licensing Standards

NEW SECTION

170-296A-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 on a license.

(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 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.

NEW SECTION

170-296A-8025 Time period for correcting a violation.

The length of time the licensee 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 licensee has violated rules in this chapter or requirements under chapter 43.215 RCW.

NEW SECTION

170-296A-8050 Civil monetary penalties (fines).

A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW.

- (1) A fine of seventy five 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 probation, suspension and revocation.
- (4) At the department's discretion, the fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075.
- (5) When a fine is assessed the licensee has the right to a hearing. The fine notice will include information about the licensee's hearing rights and how to request a hearing.

NEW SECTION

170-296A-8075 Fines – Payment period.

A fine must be paid within twenty-eight days after the licensee receives the notice unless:

- (1) The department approves a payment plan if requested by the licensee; or
- (2) The licensee requests a hearing.

NEW SECTION

170-296A-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; and
- (3) For two weeks or until the violation causing the fine is corrected, whichever is longer.

NEW SECTION

170-296A-8125 Failure to pay a fine – Department action.

If the licensee fails to pay a fine within twenty eight days after the fine assessment becomes final the department may suspend, revoke or not renew the license.

NEW SECTION

170-296A-8150 Denial, suspension, revocation or modification of a license.

A license may be denied, suspended, modified or revoked when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW (department of early learning).

NEW SECTION

170-296A-8175 Violations that will result in enforcement action.

The department will deny, suspend or revoke a license when:

- (1) The licensee is unable to provide the required care for the children in a way that promotes their health, safety and well-being;
- (2) The licensee is disqualified under chapter 170-06 WAC (DEL Background check rules);
- (3) The licensee has been found to have committed child abuse or child neglect;
- (4) The licensee has been found to allow staff or household members to commit child abuse or child neglect; or
- (5) The licensee has a current charge or conviction for a disqualifying crime under WAC 170-06-0120.

NEW SECTION

170-296A-8200 Violations or conditions that may result enforcement action.

The department may deny, suspend or revoke a license when:

- (1) There is an allegation of child abuse or neglect by the licensee, staff or household member;
- (2) The licensee fails to report to DSHS children's administration intake or law enforcement any instances of alleged child abuse or child neglect;
- (3) 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;
- (4) The licensee commits, permits or assists in an illegal act at the child care premises;
- (5) The licensee uses illegal drugs, excessively uses alcohol or abuses prescription drugs;
- (6) The licensee knowingly allowed employees or volunteers to make false statements on their application;
- (7) The licensee fails to provide the required level of supervision for the children in care;
- (8) The licensee cares for more children than the license allows;
- (9) The licensee refuses to allow department authorized staff requested information or access to the licensed space, child and program files or staff and children in care during times when licensed activities are conducted;
- (10) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;
- (11) The licensee goes beyond the conditions of the license by caring for children with ages different than the license allows;
- (12) A staff person or an individual residing in the licensed home is disqualified under chapter 170-06 WAC (DEL background check rules);

(13) An individual residing in the licensed home had a license to care for children or vulnerable adults denied or revoked; or

(14) The licensee does not provide the required number of qualified staff present to care for the children.

NEW SECTION

170-296A-8225 Notice of license denial, suspension or revocation.

(1) The department notifies the licensee of the denial, suspension or revocation 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 or revoke the license.

(3) The licensee has a right to appeal the denial, suspension, revocation or modification of the license. The department notice will include information on hearing rights and how to request a hearing.

NEW SECTION

170-296A-8250 Probationary license.

(1) A probationary license may be issued as part of a corrective action plan.

(2) A fine may be imposed when a probationary license is issued.

NEW SECTION

170-296A-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.

NEW SECTION

170-296A-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 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 parent or guardians of 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 full license to the department.

NEW SECTION

170-296A-8325 Refusing a FLCA or probationary license.

The licensee has the right to refuse a facility licensing compliance agreement or probationary license; however, by refusing, one of the following enforcement actions may occur:

(1) Modification of the license;

(2) Denial of a renewal license;

(3) Suspension; or

- (4) Revocation.

NEW SECTION

170-296A-8350 Providing unlicensed care – Notice.

If the department determines that a person is providing unlicensed child care the department will send written notice to explain:

- (1) Why the department believes unlicensed child care is being provided;
 - (2) How to respond to the department;
 - (3) The law that requires child care to be licensed;
 - (4) That child care must stop being provided;
 - (5) That a fine may be assessed;
 - (6) How to apply for a license;
 - (7) How the fine may be suspended or withdrawn if applying for a license;
 - (8) The right to request an adjudicative proceeding (hearing) if a fine is assessed;
- and
- (9) How to ask for a hearing.

NEW SECTION

170-296A-8375 Unlicensed care – Fines and other penalties.

A person providing unlicensed child care may be:

- (1) Assessed a fine of seventy-five dollars a day for each day unlicensed child care is provided;
- (2) Guilty of a misdemeanor; or
- (3) Subject to an injunction.

NEW SECTION

170-296A-8400 Hearing process.

(1) Department notice of an enforcement action includes information about the individual's or licensee's 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.