The Early Start Act mandated that DEL update the child care licensing rules so that the early learning system has a unified set of foundational health, safety and child development regulations that are easy to understand and align with other requirements by providers in the field. (RCW 43.215.201) DEL is taking a transparent, methodical, and inclusive approach to this legislatively-mandated process.

The Child Care and Development Block Grant Act of 2014 updated the federal child care law, placing an emphasis on quality child care. There are new requirements related to children’s health and safety. The implementing regulations specify that lead agencies (which, in Washington, mean the Department of Early Learning) can rely on Caring for Our Children Basics (http://www.acf.hhs.gov/programs/ecd/caringforour-children-basics) for any minimum standards required by the federal law and regulations. (See Fed Register https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-22986.pdf Page 67484 last column) The regulations go on to state, “Lead Agencies are encouraged, however, to go beyond these baseline standards to develop a comprehensive and robust set of health and safety standards that cover additional areas related to program design, caregiver safety, and child developmental needs, using the full Caring for Our Children: National Health and Safety Performance Standards guidelines.” (Id.) This is precisely what the Department of Early Learning has done in these proposed regulations in addition to proposing regulations that directly implement the federal requirements.

Interactions and curriculum focuses on the child’s learning success, and as with all sections, considers the uniqueness of both the family home and center settings. It defines regulations around staff and child relationships, communication, interactions and teaching practice. It includes subsections organized around three areas: 1) learning supports, 2) emotional support and classroom organization, and 3) program structure and organization.

### Learning Supports – Special needs accommodations

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WAC 170-296A-0050 Special needs accommodations.</strong></td>
<td>No current WAC</td>
<td><strong>170-300-0300 Special needs accommodations.</strong></td>
</tr>
<tr>
<td><strong>The provisions of this section apply to any requirement in this chapter.</strong></td>
<td></td>
<td>(1) An early learning program must make reasonable accommodations to facilities, equipment, furniture, and activities to meet the individual special needs of enrolled children with impaired health or limited abilities, pursuant to the Washington Law Against Discrimination (chapter 49.60 RCW) and the ADA.</td>
</tr>
<tr>
<td><strong>(1) The department may approve accommodations to requirements in these standards for the special</strong></td>
<td></td>
<td>Weight #6</td>
</tr>
</tbody>
</table>

---

NRM Draft Only (May 2017)
needs of an individual child when:
   (a) The licensee 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 needs provided by a licensed or certified:
      (i) Physician or physician’s assistant;
      (ii) Mental health professional;
      (iii) Education professional;
      (iv) Social worker with a bachelor’s degree or higher degree with a specialization in the individual child’s needs; or
      (v) Registered nurse or advanced registered nurse practitioner.
   (2) The documentation described in subsection (1) of this section must be in the form of an:
      (a) Individual education plan (IEP);
      (b) Individual health plan (IHP);
      (c) Individual family plan (IFP).
   (3) The licensee’s written plan and all documentation required under this section must be kept in the child’s file and a copy submitted

(2) An early learning provider must submit an accommodation plan to the department for approval as soon as a child with special needs is enrolled or identified by a professional listed in subsection (3)(b) of this section. The department must review and return accommodation plans to the provider.

Weight #5

(3) The department may approve an early learning provider’s planned accommodations once:
   (a) A provider submits to the department a written Individual Care Plan of how the special needs of a child will be met when enrolled or identified. This plan must be signed by the parent or guardian, may be developed using a department provided template, and must contain:
      (i) The child’s diagnosis;
      (ii) Contact information for the primary health care provider or other relevant specialist;
      (iii) A list of medication to be administered at scheduled times, or during an emergency along with descriptions of symptoms that would trigger emergency medication;
      (iv) Directions on how to administer medication;
      (v) Allergies;
      (vi) Food allergy and dietary needs pursuant to WAC 170-300-0186;
      (vii) Activity, behavioral, or environmental
to the department.

(4) See WAC 170-296A-5625 regarding supervision, capacity, and staff-to-child ratios for children with documented special needs.

(4) An early learning provider’s written plan and documentation for accommodations must be in the form of an:

(a) Individual education plan (IEP);
(b) Individual health plan (IHP);
(c) 504 plan; or
(d) Individualized family service plan (IFSP).

(5) An early learning provider’s written plan and all modifications for the child;

(viii) Known symptoms and what triggers to avoid;
(ix) Emergency response plans and what procedures to perform; and
(x) Suggested special skills training, and education for early learning program staff, including specific pediatric first aid and CPR for special health care needs.

(b) An early learning provider has supporting documentation of the child’s special needs provided by the child’s licensed or certified:
(i) Physician or physician's assistant;
(ii) Mental health professional;
(iii) Education professional;
(iv) Social worker with a bachelor's degree or higher with a specialization in the individual child’s needs; or
(v) Registered nurse or advanced registered nurse practitioner.

Weight NA
Standards Alignment – Interactions and Curriculum

Documentation required under this section must be kept in the child’s file, and must:

(a) Be available for department review;
(b) Have parent permission that a visiting health professional may provide services to the child at the early learning program, if applicable;
(c) Have verification that early learning program staff involved with a particular child has been trained on implementing the Individual Care Plan for that child, if applicable; and
(d) Be updated annually or when there is a change in the child’s special needs.

Weight #5

Justification:
There are several proposed revisions regarding enrolled children with special needs, including the need to make reasonable accommodations; enhancements to the required Care Plan that include information on a child’s medications, allergies, modifications for the child, and recommended special skills training for staff; and administrative requirements designed to assure parent permission for visiting health professionals, verification that the staff are trained to implement the Care Plan, and finally, regular updates.

The first proposed addition, regarding reasonable accommodation, is consistent with the Child Care and Development Block Grant of 2014 and its implementing regulations, which stress the inclusion of children with disabilities and special needs. Caring for Our Children 3rd Edition, as well, discusses the benefits of inclusion. Caring for Our Children 3rd Edition stresses the importance of planning as a key element to success inclusion of children with special needs. STANDARD 8.4.0.2: Formulation of an Action Plan discusses the importance of maintaining the plan, as called for in the proposed regulation, along with regular updating; likewise, periodic review is also expected by Standard 8.5. Standard 8.4.0.5 stresses the importance of training the staff so that the plan may be properly included and the rationale include: “Caregivers/teachers should have a basic knowledge of what constitutes a disability or special health care need, supplemented by specialized training for children with disabilities and children with special health care needs. The number of hours offered in any in-service training program should be determined by the experience and professional background of the staff.” Standard 3.5.0.1: Care Plan for Children with Special Health Care Needs, discusses care plan requirements, which includes the proposed information at 170-300-0300(3).
Other state and federal laws and policies clarify when children who receive special education services. The Washington Law Against Discrimination (WLAD), the American with Disabilities Act (ADA), the Individuals with Disabilities in Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 specify when a child in an early learning program should have an IEP or IHP. Complying with these laws guarantees that children with disabilities and their families have the same access to high quality early learning settings and programs as all other children and families in the state. Finally, the joint policy statement by the U.S. Departments of Education and Health and Human Services, POLICY STATEMENT ON INCLUSION OF CHILDREN WITH DISABILITIES IN EARLY CHILDHOOD PROGRAMS September 14, 2015, available at https://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf, provides a thorough review of this issue, providing the context, legal and policy basis for inclusion.

### Learning Supports – Curriculum philosophy and planning

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>WAC 170-296A-2375 Parent/guardian policies (handbook)</td>
<td>WAC 170-295-2010 What types of play materials, equipment and activities must I provide for the children?</td>
<td>170-300-0305 Curriculum philosophy and planning.</td>
</tr>
<tr>
<td>The licensee's written parent/guardian policies (handbook) must include: (1) Hours of operation including closures and vacations; (2) Information on how children's records are kept current, including immunization records; (3) Enrollment and disenrollment process; (4) Parent/guardian access to their child 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. See WAC 170-296A-6550;</td>
<td>You must: (1) Provide a variety of easily accessible learning and play materials of sufficient quantity to implement the centers program and meet the developmental needs of children in care. (2) Have a current daily schedule of activities and lesson plans that are designed to meet the children's developmental, cultural, and individual needs. The toys, equipment and schedule must be: (a) Specific for each age group of children; and (b) Include at least one</td>
<td>(1) An early learning provider must have and follow a written curriculum philosophy that describes the program of planned daily activities related to early childhood or child development. The curriculum philosophy must address all age groups being served, be informed by the Washington State Early Learning and Development Guidelines, and include: (a) How children develop emotionally, socially, cognitively, and physically; (b) What early learning looks like or areas of focus for each age group being served; (c) How the provider will meet cultural, dual language learner, and special needs of children in care; (d) How to guide learning and social interactions; (e) The importance of play to a child’s learning process; and (f) For infants and toddlers, the importance of developing consistent, nurturing relationships</td>
</tr>
<tr>
<td>(7) Communication plan with parents/guardians including:</td>
<td>activity daily for each of the following (you can combine several of the following for one activity):</td>
<td></td>
</tr>
<tr>
<td>(a) How the parent or guardian may contact the licensee with questions or concerns; and</td>
<td>(i) Child initiated activity (free play);</td>
<td></td>
</tr>
<tr>
<td>(b) How the licensee will communicate the child's progress with the parent or guardian at least twice a year;</td>
<td>(ii) Staff initiated activity (organized play);</td>
<td></td>
</tr>
<tr>
<td>(c) How the licensee will support parents regarding parenting;</td>
<td>(iii) Individual choices for play;</td>
<td></td>
</tr>
<tr>
<td>(8) Written plan for any child's specific needs if applicable. See WAC 170-296A-0050;</td>
<td>(iv) Creative expression;</td>
<td></td>
</tr>
<tr>
<td>(9) Fees and payment plans;</td>
<td>(v) Group activity;</td>
<td></td>
</tr>
<tr>
<td>(10) Religious activities and how the parent's or guardian's specific religious preferences are addressed;</td>
<td>(vi) Quiet activity;</td>
<td></td>
</tr>
<tr>
<td>(11) How holidays are recognized in the program;</td>
<td>(vii) Active activity;</td>
<td></td>
</tr>
<tr>
<td>(12) Confidentiality policy including when information may be shared. See WAC 170-296A-2025;</td>
<td>(viii) Large and small muscle activities; and</td>
<td></td>
</tr>
<tr>
<td>(13) Items that the licensee requires the parent or guardian to provide;</td>
<td>(ix) Indoor and outdoor play.</td>
<td></td>
</tr>
<tr>
<td>(14) Guidance and discipline policy. See WAC 170-296A-6050;</td>
<td>(2) Staff must be trained on the program’s curriculum philosophy. Weight #1</td>
<td></td>
</tr>
<tr>
<td>(15) If applicable, infant/toddler care including infant safe sleep practices, feeding, diapering and toilet training;</td>
<td>(3) A Lead Teacher must use at least one hour of scheduled and documented planning time each week to develop curriculum and activities. Planning may be done during rest time but all supervision requirements of WAC 170-300-0345 must be met. Curriculum and activity plans must be available for department review. Weight #1</td>
<td></td>
</tr>
<tr>
<td>(16) Reporting suspected child abuse and neglect. See WAC 170-296A-0060;</td>
<td>with caregivers as a component of learning. Weight #1</td>
<td></td>
</tr>
</tbody>
</table>
abuse or neglect. See WAC 170-296A-6275;
(17) Food service practices. See WAC 170-296A-7125 through 170-296A-7200, and 170-296A-7500 through 170-296A-7650;
(18) Off-site field trips requirements. See WAC 170-296A-2450;
(19) Transportation requirements. See WAC 170-296A-6475;
(20) Staffing plan. See WAC 170-296A-5600 and 170-296A-5775;
(21) Access to licensee's and staff training and professional development records;
(22) Pet policies. See WAC 170-296A-4800;
(23) Health care and emergency preparedness policies including:
   (a) Emergency preparedness and evacuation plans. See WAC 170-296A-2825;
   (b) Injury or medical emergency response and reporting. See WAC 170-296A-3575, 170-296A-3600, and 170-296A-2275;
   (c) Medication management including storage and giving medications. See WAC 170-296A-3325;
   (d) Exclusion/removal policy of ill

<table>
<thead>
<tr>
<th>Standards Alignment – Interactions and Curriculum</th>
</tr>
</thead>
<tbody>
<tr>
<td>abuse or neglect. See WAC 170-296A-6275;</td>
</tr>
<tr>
<td>(17) Food service practices. See WAC 170-296A-7125 through 170-296A-7200, and 170-296A-7500 through 170-296A-7650;</td>
</tr>
<tr>
<td>(18) Off-site field trips requirements. See WAC 170-296A-2450;</td>
</tr>
<tr>
<td>(19) Transportation requirements. See WAC 170-296A-6475;</td>
</tr>
<tr>
<td>(20) Staffing plan. See WAC 170-296A-5600 and 170-296A-5775;</td>
</tr>
<tr>
<td>(21) Access to licensee's and staff training and professional development records;</td>
</tr>
<tr>
<td>(22) Pet policies. See WAC 170-296A-4800;</td>
</tr>
<tr>
<td>(23) Health care and emergency preparedness policies including:</td>
</tr>
<tr>
<td>(a) Emergency preparedness and evacuation plans. See WAC 170-296A-2825;</td>
</tr>
<tr>
<td>(b) Injury or medical emergency response and reporting. See WAC 170-296A-3575, 170-296A-3600, and 170-296A-2275;</td>
</tr>
<tr>
<td>(c) Medication management including storage and giving medications. See WAC 170-296A-3325;</td>
</tr>
<tr>
<td>(d) Exclusion/removal policy of ill</td>
</tr>
<tr>
<td>Standards Alignment – Interactions and Curriculum</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>persons. See WAC [170-296A-3210];</td>
</tr>
<tr>
<td>(e) Reporting of notifiable</td>
</tr>
<tr>
<td>conditions to public health;</td>
</tr>
<tr>
<td>(f) Immunization tracking. See</td>
</tr>
<tr>
<td>WAC [170-296A-3250]; and</td>
</tr>
<tr>
<td>(g) Infection control methods,</td>
</tr>
<tr>
<td>including:</td>
</tr>
<tr>
<td>(i) Handwashing (WAC [170-296A-3625]) and, if applicable, hand</td>
</tr>
<tr>
<td>sanitizers (WAC [170-296A-3650]); and</td>
</tr>
<tr>
<td>(ii) Cleaning and sanitizing, or</td>
</tr>
<tr>
<td>cleaning and disinfecting procedures</td>
</tr>
<tr>
<td>including the methods and products</td>
</tr>
<tr>
<td>used. See WAC [170-296A-3850] through [170-296A-3925]</td>
</tr>
<tr>
<td>and</td>
</tr>
<tr>
<td>definitions in WAC [170-296A-0010];</td>
</tr>
<tr>
<td>(24) Napping/sleeping;</td>
</tr>
<tr>
<td>(25) No smoking policy</td>
</tr>
<tr>
<td>consistent with WAC [170-296A-4050];</td>
</tr>
<tr>
<td>(26) Drug and alcohol policy</td>
</tr>
<tr>
<td>consistent with WAC [170-296A-4025]; and</td>
</tr>
<tr>
<td>(27) If applicable, guns and</td>
</tr>
<tr>
<td>weapons storage. See WAC [170-296A-4725]; and</td>
</tr>
<tr>
<td>(28) If applicable, overnight care</td>
</tr>
<tr>
<td>requirements. See WAC [170-296A-6850].</td>
</tr>
<tr>
<td>documentation signed by the parent</td>
</tr>
<tr>
<td>in each child's file that you have:</td>
</tr>
<tr>
<td>(a) Explained to the parent the</td>
</tr>
<tr>
<td>centers policies and procedures;</td>
</tr>
<tr>
<td>(b) Discussed the centers</td>
</tr>
<tr>
<td>philosophy, program and facilities;</td>
</tr>
<tr>
<td>(c) Advised the parent of the</td>
</tr>
<tr>
<td>child's progress and issues relating to</td>
</tr>
<tr>
<td>the child's care and individual</td>
</tr>
<tr>
<td>practices concerning the child's</td>
</tr>
<tr>
<td>special needs; and</td>
</tr>
<tr>
<td>(d) Encouraged parent</td>
</tr>
<tr>
<td>participation in center activities.</td>
</tr>
<tr>
<td>(2) You must also give the parent</td>
</tr>
<tr>
<td>the following written policy and</td>
</tr>
<tr>
<td>procedure information:</td>
</tr>
<tr>
<td>(a) Enrollment and admission</td>
</tr>
<tr>
<td>requirements;</td>
</tr>
<tr>
<td>(b) The fee and payment plan;</td>
</tr>
<tr>
<td>(c) A typical activity schedule,</td>
</tr>
<tr>
<td>including hours of operation;</td>
</tr>
<tr>
<td>(d) Meals and snacks served,</td>
</tr>
<tr>
<td>including guidelines on food brought</td>
</tr>
<tr>
<td>from the child's home;</td>
</tr>
<tr>
<td>(e) Permission for free access by</td>
</tr>
<tr>
<td>the child's parent to all center areas</td>
</tr>
<tr>
<td>used by the child;</td>
</tr>
<tr>
<td>(f) Signing in and signing out</td>
</tr>
<tr>
<td>requirements;</td>
</tr>
<tr>
<td>(g) Child abuse reporting law</td>
</tr>
<tr>
<td>requirements;</td>
</tr>
<tr>
<td>(h) Behavior management and</td>
</tr>
<tr>
<td>discipline;</td>
</tr>
</tbody>
</table>
Standards Alignment – Interactions and Curriculum

(i) Nondiscrimination statement;
(j) Religious and cultural activities, if any;
(k) Transportation and field trip arrangements;
(l) Practices concerning an ill child;
(m) Medication management;
(n) Medical emergencies;
(o) Disaster preparedness plans; and
(p) If licensed for the care of an infant or toddler:
   (i) Diapering;
   (ii) Toilet training; and
   (iii) Feeding.

Justification:
WAC 170-300-0305 Curriculum philosophy and planning is updated in several ways in this proposed regulation. The first of these revisions is to clarify that the curriculum philosophy applies across all age spans of children being served. There are two additional proposed revisions which include: 1) that the curriculum philosophy is informed by the Washington State Early Learning and Development Guidelines and addresses key aspects of child development, specifically noting the cultural, dual language learner and special needs of children in care, learning and social interactions, play, and for infants and toddlers, relationships; and 2) providing staff training on the curriculum philosophy.

The proposed regulations incorporate several key aspects of child development and learning into the statement of the curriculum philosophy. These critical aspects of child development are based on developmental science, as noted in Caring for Our Children, 3rd Edition. For example, Standard 2.1.1.1 Written Daily Activity Plan and Statement of Principles addresses the need for a statement of principles on the key features of child development that are cited in the proposed new regulation: “a) Overall child health and safety; b) Physical development, which facilitates small and large motor skills; c) Family development, which acknowledges the role of the family, including culture and language; d) Social development, which leads to cooperative play with other children and the ability to make relationships with other children and adults and children of other backgrounds and ability levels; e) Emotional development, which facilitates self-awareness and self-confidence; f) Cognitive development, which includes an understanding of the world and environment in which they live and leads to understanding science, math, and literacy concepts, as well as increasing the use and
understanding of language to express feelings and ideas.” Standard 2.1.1.8 provides additional information on addressing culture and diversity, stating “Programs should provide cultural curricula that engage children and families and teach multicultural learning activities. Indoor and outdoor learning/play environments should have an array of toys, materials, posters, etc. that reflect diverse cultures and ethnicities. Stereotyping of any culture must be avoided.”

This proposed regulation is also consistent with the Washington State Early Learning and Development Guidelines Birth through 3rd Grade 2012 which includes many references to honoring and embracing diversity in children and their families. This is reinforced with a strong commitment to “reflect and honor diverse communities and cultures across Washington state in the Guidelines”. DEL seeks to incorporate these inclusive standards to foster every child’s healthy development and learning.

Staff training, which is the responsibility of the early learning program, is often needed, per Caring for Our Children, 3rd Edition, as noted in Standard 2.1.1.1’s rationale.

<table>
<thead>
<tr>
<th>Learning Supports – Concept development and feedback quality</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Family Home WAC</strong></td>
</tr>
<tr>
<td>WAC 170-296A-6000</td>
</tr>
<tr>
<td>Interactions with children</td>
</tr>
<tr>
<td>The licensee and staff members must:</td>
</tr>
<tr>
<td>(2) Interact with children through listening and responding to what the children have to say;</td>
</tr>
<tr>
<td>(7) Be responsive to children, encouraging them to share experiences, ideas and feelings;</td>
</tr>
<tr>
<td>(9) Perform age or developmentally appropriate nurturing activities that:</td>
</tr>
<tr>
<td>(c) Stimulate the child’s development.</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
(5) Encourage children to be creative in their projects;  
(7) Show tolerance for mistakes;  
(8) Encourage children to try new activities; and

| (e) Linking concepts and activities to one another and to the children’s lives and interests; | Weight #1 |
| (f) Noticing and responding to teachable moments; | Weight #1 |
| (g) Clarifying and expanding children’s understanding; | Weight #1 |
| (h) Describing and discussing children’s learning processes; | Weight #1 |
| (i) Encouraging children’s efforts and persistence; | Weight #1 |
| (j) Showing tolerance for mistakes; | Weight #5 |
| (k) Using diverse vocabulary; | Weight #1 |
| (l) Leading discussions and activities; and | Weight #1 |
| (m) Providing materials during the day, including daily routines such as meals and transitions, to encourage communication in English and children’s home languages when possible. | Weight #1 |

**Justification:**
The proposed regulation highlights a variety of strategies that can be used to facilitate a child’s learning and development, providing clarifying information. The strategies are drawn from those found in *Caring for Our Children, 3rd Edition* in various standards including 2.1.3.1 Personal Caregiver/Teacher Relationships for Three to Five Year Olds, 2.1.3.2 Opportunities for Learning for Three to Five Year Olds, 2.1.3.3 Selection of Equipment for Three to Five Year Olds, 2.1.3.4 Expressive Activities for Three to Five Year Olds, Fostering Cooperation of Three to Five Year Olds, 2.1.3.6 Fostering Language Development of Three to Five Year Olds, 2.1.3.7 Body Mastery for Three to Five Year Olds, 2.1.4.1 Supervised School-Age Activities, 2.1.4.3 Developing Relationships for School-Age Children, and 2.1.4.4 Planning Activities for School-Age Children. These more clearly articulated set of teaching and learning strategies that are responsive to the development of young children also include attention to children who are dual language learning, encouraging use of English as well as the child’s home language, consistent with the Department of Early Learning’s focus on dual language learners and their support.
In addition, the regulations for the Child Care and Development Block Grant of 2014, found at 24 C.F.R. Sec. 98.5(3) provide information on quality investments and strategies for the federal funding. Section 98.5(3)(1) includes, in the professional development of teachers, the use of federal funds that “Relate[s] to the use of scientifically-based, developmentally-appropriate, culturally-appropriate, and age-appropriate strategies to promote the social, emotional, physical, and cognitive development of children,” which is consistent with the proposed addition to this regulation.

Learning Supports – Language modeling and reasoning

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>WAC 170-296A-6575</td>
<td>170-300-0315</td>
<td><strong>Language modeling and reasoning.</strong></td>
</tr>
<tr>
<td>Activities to promote child growth and development.</td>
<td><strong>(1)</strong> An early learning provider must be aware of and responsive to children’s developmental, linguistic, cultural, academic, and needs by:</td>
<td></td>
</tr>
<tr>
<td>WAC 170-296A-6000</td>
<td>(a) Asking children to share ideas about a story being read or to tell about their own experiences. Questions should be appropriate for the age group and allow children to answer without correction from the provider;</td>
<td></td>
</tr>
<tr>
<td>Interactions with children</td>
<td>(b) Circulating among the children during free choice activities and talking with children about what they are doing; and</td>
<td></td>
</tr>
<tr>
<td>The licensee and staff members must:</td>
<td>(c) Using teaching techniques such as:</td>
<td></td>
</tr>
<tr>
<td>(2) Interact with children through listening and responding to what the children have to say;</td>
<td>(i) Self-talk: when the provider talks about what he or she is doing, seeing, eating, touching, or thinking as he or she is involved in that activity;</td>
<td></td>
</tr>
<tr>
<td>(7) Be responsive to children, encouraging them to share experiences, ideas and feelings;</td>
<td>(ii) Parallel-talk: when the provider talks about what the child is doing, seeing, eating, or touching as the child is engaging in those activities; or</td>
<td></td>
</tr>
<tr>
<td>WAC 170-295-2030 What should staff interact with children?</td>
<td>(iii) Language expansion: when the provider adds detail or new, more exact</td>
<td></td>
</tr>
<tr>
<td>How should staff interact with children?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(8) Ensure the center's program affords the child daily opportunities for small and large muscle activities, outdoor play, and exposure to language development and books;

(2) An early learning provider working with preschool and school-age children must use language to develop and encourage reasoning skills by:
   (a) Talking about logical relationships or concepts during the day including, but not limited to the daily schedule, the differences and similarities between objects, or people in the classroom;
   (b) Introducing concepts using guiding questions that encourage children to figure out cause and effect relationships;
   (c) Providing opportunities for reading and writing activities; and
   (d) Asking open ended questions to help children improve skills and acquire knowledge.

(3) An early learning provider working with non-English speaking children must encourage language development and acquisition by:
   (a) Using words in various languages to talk about the routines;
   (b) Reading books out loud or using audio books; and
   (c) Playing games in different languages.
Justification:
In this proposed revision, children’s language modeling and cognition is addressed in two ways. First, the totality of the child’s development is addressed, with new language specifying the child’s linguistic, cultural and academic needs. This is consistent with Washington’s early learning standards and with DEL’s commitment to embracing the diversity of Washington’s child population. Additionally, this revision also incorporates vital feedback from community and stakeholders to ensure that cultural responsiveness is clearly articulated to support and encourage a variety of care to children through the expression of language, behavior, customs, attitudes and deeply rooted heritage.

The proposed regulation highlights a variety of strategies that can be used to facilitate a child’s learning and development, providing clarifying information. The strategies are drawn from those found in Washington State Early Learning and Development Guidelines and Caring for Our Children, 3rd Edition. Caring for Our Children, 3rd Edition, explains this concept that is included in the proposed regulation as follows: “Early childhood specialists agree on the...[I]nseparability and interdependence of cognitive, physical, emotional, communication and social development.” (Standard 2.1.1.1 (Rationale)). Second, the proposed changes emphasize evidence-based approaches to promoting children’s language and reasoning skills. For example, Caring for Our Children, 3rd Edition, addresses these areas in several standards including 2.1.3.1 Personal Caregiver/Teacher Relationships for Three to Five Year Olds, 2.1.3.2 Opportunities for Learning for Three to Five Year Olds, 2.1.3.3 Selection of Equipment for Three to Five Year Olds, 2.1.3.4 Expressive Activities for Three to Five Year Olds, Fostering Cooperation of Three to Five Year Olds, 2.1.3.6 Fostering Language Development of Three to Five Year Olds, 2.1.3.7 Body Mastery for Three to Five Year Olds, 2.1.4.1 Supervised School-Age Activities, 2.1.4.3 Developing Relationships for School-Age Children, and 2.1.4.4 Planning Activities for School-Age Children.

| Learning Supports – Facilitating child interests, learning, perspective, and productivity |
|---------------------------------|---------------------------------|---------------------------------|
| Family Home WAC                | Center WAC                      | Proposed WAC                    |
| WAC 170-296A-6000              | WAC 170-295-2010                | 170-300-0320                     |
| Interactions with children.    | What types of play materials, equipment and activities must I provide for the children? | Facilitating child interests, learning, perspective, and productivity. |
| The licensee and staff members must: | You must: | (1) An early learning provider must work to maximize children’s interests, engagement with activities, and ability to learn from play by: |
| (7) Be responsive to children, encouraging them to share experiences, ideas and feelings; | (1) Provide a variety of easily accessible learning and play materials of sufficient quantity to implement the centers program and meet the developmental needs of children in care. | (a) Maximizing learning time with learning materials and products, limiting disruptions during activities, and offering additional choices when activities are completed; |
| (9) Perform age or developmentally appropriate nurturing activities that: | | (b) Giving clear instructions and directions to limit wandering time; and |
| (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.

(10) Provide each child opportunities for vocal expression.

WAC 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:

(5) Explaining consistent, clear rules;

(6) Allowing children to be involved in solving problems.

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

The licensee must provide activities that support each child’s developmental stage 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 (including, but not limited to, size or position); and

(2) Have a current daily schedule of activities and lesson plans that are designed to meet the children's developmental, cultural, and individual needs. The toys, equipment and schedule must be:

(a) Specific for each age group of children; and

(b) Include at least one activity daily for each of the following (you can combine several of the following for one activity):

(i) Child initiated activity (free play);

(ii) Staff initiated activity (organized play);

(iii) Individual choices for play;

(iv) Creative expression;

(v) Group activity;

(vi) Quiet activity;

(vii) Active activity;

(viii) Large and small muscle activities; and

(ix) Indoor and outdoor play.

(3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to:

(a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;

(c) Making transitions opportunities for children to learn through communicating clear expectations and keeping transitions brief with limited wait time.

Weight #1

(2) An early learning provider must offer developmentally and culturally responsive activities that offer a range of auditory, visual, and movement opportunities that:

(a) Encourage child engagement;

(b) Promote each child’s self-help and social skills;

(c) Are organized around child interests and ideas;

(d) Allow choice, exploration, and experimentation;

(e) Promote active and play-based learning experiences;

(f) Allow children freedom to move during activities;

(g) Ensure child expression;

(h) Utilize interesting and creative materials;

(i) Offer hands-on opportunities for children;

(j) Provide opportunity for children to direct their own learning and problem solving rather than teacher-directed activities; and

(k) Orient and guide children toward learning objectives.

Weight #1
(6) Numeracy (counting and numbers).
WAC 170-296A-6600
Toys and play materials.
  The licensee must provide toys, objects, and other play materials that are:
  (1) Washable and clean;
  (2) Nonpoisonous or free of toxins; and
  (3) For infants, toddlers, or children at those developmental levels, large enough to avoid swallowing or choking.

(b) Develop socially, emotionally, intellectually, and physically;
(c) Learn about nutrition, health, and personal safety; and
(d) Experiment, create, and explore.

(7) Plan for smooth transitions by:
(a) Establishing familiar routines; and
(b) Using transitions as a learning experience.

(8) Ensure the center's program affords the child daily opportunities for small and large muscle activities, outdoor play, and exposure to language development and books; and

(9) Afford staff classroom planning time.

170-295-2030
How should staff interact with children?

To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you must:

(2) Support the child's development in understanding themselves and others by assisting the child to share ideas, experiences, and feelings;
(3) Provide age-appropriate opportunities for the child to grow and develop intellectually. Examples include:

(a) Reading readiness skills;
(b) Language skills development;
(c) Encouraging the child to ask questions;
(d) Counting;
(e) Matching objects;
(f) Differentiating between large and small; and
(g) Sorting.

(6) Allow independence in selecting routine activities and projects;

Justification:
There is a modest addition proposed for this regulation, designed to clarify the role of children’s interests and choices in activities. *Caring for Our Children, 3rd Edition* includes this in STANDARD 2.1.3.2: Opportunities for Learning for Three- to Five-Year-Olds, stating “Programs should provide children a balance of guided and self-initiated play and learning indoors and outdoors. These should include opportunities to observe, explore, order and reorder, to make mistakes and find solutions, and to move from the concrete to the abstract in learning.” The rationale in *Caring for Our Children, 3rd edition*, states, as well, that “The most meaningful learning has its source in the child’s self-initiated activities. The learning environment that supports individual differences, learning styles, abilities, and cultural values fosters confidence and curiosity in learners.” Likewise, *Caring for Our Children, 3rd edition*, addresses this for infants, as well, in the rationale for Standard 2.1.2.3: Space and Activity to Support Learning of Infants and Toddlers, stating “Opportunities to be an active learner are vitally important for the development of motor competence and awareness of one’s own body and person, the development of sensory motor skills, the ability to demonstrate initiative through active outdoor and indoor play, and feelings of mastery and successful coping.”

| Emotional Support and Classroom Organization – Creating a climate for healthy child development |
|-------------------------------------------------|-------------|-------------|
| **Family Home WAC** | **Center WAC** | **Proposed WAC** |
| WAC 170-296A-6000 Interactions with children. | WAC 170-295-2030 How should staff interact with | 170-300-0325 Creating a climate for healthy child development. |
The licensee and staff members must:

1. Demonstrate positive interactions with children and other adults 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 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;

WAC 170-296A-6025
Prohibited interactions.

In the presence of the children in care the licensee and staff must not or allow others to:

1. Use profanity, obscene language, "put downs," or cultural children?

To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you must:

1. Ensure staff interact with children using positive communication (for example, giving children options of what to do rather than being told what not to do);
2. Support the child's development in understanding themselves and others by assisting the child to share ideas, experiences, and feelings;
3. Encourage children to be creative in their projects;
4. Allow independence in selecting routine activities and projects;
5. Show tolerance for mistakes;
6. Encourage children to try new activities; and
7. Honor all children's race, religion, culture, gender, physical ability and family structure.

WAC 170-295-2040
What behavior management and guidance practices must I have in place?

You must:

1. Promote the child's

(1) When communicating or interacting with children, an early learning provider must:

(a) Use a warm, calm, and respectful tone of voice;
(b) Use positive language to explain what children can do and give descriptive feedback;
(c) Have relaxed conversations with children by listening and responding to what they say. Adult conversations must not dominate the overall sound of the group;
(d) Warmly greet children upon arrival and departure at the early learning program;
(e) Make eye contact and facial expressions such as smiling, laughing, and enthusiasm to match a child's mood;
(f) Use physical proximity in a culturally responsive way to speak to children at their eye level and with warm physical contact, including but not limited to, gently touching a hand or shoulder, sitting next to a child, appropriately holding younger children close while communicating;
(g) Validate children's feelings and show tolerance for mistakes;
(h) Be responsive and listen to children's requests and questions, encouraging children to share experiences, ideas, and feelings;
(i) Observe children in order to learn about their families, cultures, individual interests, ideas, questions, and theories;
(j) Use scaffolding methods to gradually move children toward stronger understanding and
or racial slurs;
(2) Have angry or hostile interactions;
(3) Use name calling or make derogatory, shaming or humiliating remarks; or
(4) Use or threaten to use any form of physical harm or inappropriate discipline, such as, but not limited to:
   (a) Spanking children;
   (b) Biting, jerking, kicking, hitting, or shaking;
   (c) Pulling hair;
   (d) Pushing, shoving or throwing a child; or
   (e) Inflicting pain or humiliation as a punishment.

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.

devvelopmentally appropriate social behavior, self-control, and respect for the rights of others;
(5) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to:
   (a) Corporal punishment including biting, jerking, shaking, spanking, slapping, hitting, striking, kicking, pinching, flicking or any other means of inflicting physical pain or causing bodily harm to the child;
   (b) Verbal abuse such as yelling, shouting, name calling, shaming, making derogatory remarks about a child or the child's family, or using language that threatens, humiliates or frightens a child;
   (c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes; and
   (d) The using or withholding of food or liquids as punishment.

greater independence in the learning process;
(k) Model and teach emotional skills such as recognizing feelings, expressing them appropriately, accepting others’ feelings, and controlling impulses to act out feelings;
(l) Represent the diversity found in the early learning program and society, including gender, age, language, and abilities, while being respectful of cultural traditions, values, religion and beliefs of enrolled families; and
(m) Interact with staff and other adults in a positive, respectful manner.

Weight #6

(2) An early learning provider must encourage positive interactions between and among children by:
(a) Giving children several chances a day to interact with each other while playing or completing routine tasks;
(b) Modeling good social skills;
(c) Encouraging socially isolated children to find friends;
(d) Helping children understand feelings of others; and
(e) Including children with special needs to play with others.

Weight #6
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.

Harmful or aggressive acts of children.

The licensee and staff must:

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

Prohibited actions.
The licensee or staff must not or allow others to:

1. Restrict a child's breathing;
2. Deprive a child of:
   a. Sleep, food, clothing, shelter, or physical activity;
   b. Needed first aid; or
   c. Required or emergency medical or dental care;
3. Interfere with a child's ability to take care of his or her own hygiene and toileting needs; or
4. Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.

**Justification:**
In this proposed regulation, addressing the climate for child development, there are several additions, to guide communications and interactions with children.

These additions reflect current standards and knowledge in this area, as found in *Caring for Our Children, 3rd Edition*, Chapter 2, Program Activities for Healthy Development, and its specific standards. There are proposed new references to cultural diversity, in keeping with DEL’s priority on this issue, and these are backed up by Standard 2.1.8, regarding diversity in enrollment and curriculum, with the rationale stating “Children who participate in programs that reflect and show respect for the cultural diversity of their communities learn to understand and value cultural diversity.” Taken together, the standards in Chapter 2 provide the support for the proposed changes, including standards such as 2.1 Program of Developmental Activities; 2.2 Supervision and Discipline; and 2.4 Health Education. Additionally, this revision also incorporates vital feedback from community and stakeholders to ensure that cultural responsiveness and relevancy is clearly articulated to support and encourage a variety of care to children through language, behavior, customs, attitudes and deeply rooted heritage.

<table>
<thead>
<tr>
<th>Emotional Support and Classroom Organization – Positive relationships and child guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Family Home WAC</strong></td>
</tr>
<tr>
<td>Family Home WAC</td>
</tr>
</tbody>
</table>
WAC 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 developing a written policy including:
   (a) Setting standards for guidance and discipline;
   (b) Communicating to parents, guardians, and children in care what the policy is;
   (c) Training staff and volunteers in the standards of guidance and discipline policy; and
   (d) Any disciplinary actions by the licensee or staff that occur during child care hours.

WAC 170-296A-6075
Positive options for discipline.
The licensee and staff must use positive guidance methods. The

What behavior management and guidance practices must I have in place?

You must:

   (1) Develop and implement written behavior management and guidance practices for the center;
   (2) Guide the child's behavior based on an understanding of the individual child’s needs and stage of development;
   (3) Promote the child’s developmentally appropriate social behavior, self-control, and respect for the rights of others;
   (4) Ensure behavior management and guidance practices that are fair, reasonable, consistent, and related to the child’s behavior;

Positive relationships and child guidance.

(1) An early learning provider must work to maintain positive relationships with children by using consistent guidance techniques to help children learn to get along with each other.

Weight #6

(2) Guidance techniques must adapt an early learning program’s environment, routines, and activities to a child’s developmental level, abilities, culture, and relate to the child’s behavior. The guidance techniques may include:
   (a) Coaching appropriate behavior;
   (b) Modeling and teaching social skills such as taking turns, cooperation, waiting, self-control, respect for the rights of others, treating others kindly, and conflict resolution;
   (c) Offering choices;
   (d) Distracting;
   (e) Redirecting or helping a child change their focus to something appropriate to achieve their goal;
   (f) Planning ahead to prevent problems and letting children know what events will happen next;
   (g) Explaining consistent, clear rules and involving children in defining simple, clear classroom limits;
   (h) Involving children in solving problems; and
   (i) Explaining to children the natural and logical consequence related to the child’s behavior in a reasonable and developmentally
### Standards Alignment – Interactions and Curriculum

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.

**Justification:**
In this proposed addition to positive relationships and child guidance, new language is proposed to include coaching as well as modeling as strategies for use with children.

The addition of these concepts around positive relationships and child guidance updates the licensing regulation to provide a broader range of techniques for use in working with children. For example, modeling is discussed as a viable technique for working with young children in *Caring for Our Children, 3rd Edition*, “Modeling is an effective way of confirming that a behavior is one to be imitated.” (Standard 2.4.1.2).
This proposed regulation is also consistent with the Washington State Early Learning and Development Guidelines Birth through 3rd Grade 2012 which includes positive modeling through children’s multiple developmental stages. A caregiver’s interactions with a child are crucial to the child’s awareness of learning new skills, self-discovery and social behaviors. For example, demonstrating kindness or empathy will enable the positive modeling to be mirrored in the child’s own interactions with others. The proposed regulation aligns with the approach being taken in the early learning guidelines regarding this critical area.

| Emotional Support and Classroom Organization – Prohibited behavior, discipline, and physical removal of children |
|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
| **Family Home WAC** | **Center WAC** | **Proposed WAC** |
| In the presence of the children in care the licensee and staff must not or allow others to: | (1) Use profanity, obscene language, "put downs," or cultural or racial slurs; | (1) An early learning provider must intervene immediately when a child or children are teasing, bickering, fighting, bullying, intimidating or becoming physically aggressive. A provider must take steps to protect children from the harmful acts of other children, pursuant to WAC 170-300-0335. Weight #7 |
| (2) Have angry or hostile interactions; | (2) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to: | (2) An early learning provider must not allow: |
| (3) Use name calling or make derogatory, shaming or humiliating remarks; or | (a) Corporal punishment including biting, jerking, shaking, spanking, slapping, hitting, striking, kicking, pinching, flicking or any other means of inflicting physical pain or causing bodily harm to the child; | (a) Profanity, obscene language, “put downs,” or cultural or racial slurs; |
| (4) Use or threaten to use any form of physical harm or inappropriate discipline, such as, but not limited to: | (b) Verbal abuse such as yelling, shouting, name calling, shaming, making derogatory remarks about a child or the child’s family, or using language that threatens, humiliates or frightens a child; | (b) Angry or hostile interactions; |
| (a) Spanking children; | (c) Threats of physical harm or inappropriate discipline such as, but not limited to spanking, biting, jerking, kicking, hitting, slapping, grabbing, shaking, pulling hair, pushing, shoving, throwing a child, or inflicting pain or humiliation as a punishment; | (c) Use or threaten to use any form of physical harm or inappropriate discipline such as, but not limited to spanking, biting, jerking, kicking, hitting, slapping, grabbing, shaking, pulling hair, pushing, shoving, throwing a child, or inflicting pain or humiliation as a punishment; |
(d) Pushing, shoving or throwing a child; or
(e) Inflicting pain or humiliation as a punishment

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

(1) The licensee or 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 himself or herself. The child must remain under the direct supervision of the licensee or primary staff person.

(2) The licensee or primary staff person must:

(a) Take into account the child’s developmental level and ability to understand the consequences of his or her actions;

(b) Communicate to the child the reason for being separated from the other children;

(c) Not discipline any child by separating the child from the group and placing him or her in a closet, a bathroom, a locked room, outside or in unlicensed space; or

(d) Not use high chairs, car seats and other confining space or equipment for the purpose of punishment or restricting a child’s

(c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes; and

(d) The using or withholding of food or liquids as punishment.

(6) In emergency situations, a staff person may use limited physical restraint when:

(a) Protecting a person on the premises from serious injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(7) Staff who use limited restraint must complete an incident report. A copy of the incident report must be:

(a) Placed in the child’s individual record; and

(b) Given to the parent.

(d) Intimidation, gestures, or verbal abuse including sarcasm, name calling, shaming, humiliation, teasing, derogatory remarks about a child or the child’s family;

(e) Emotional abuse including victimizing, bullying, rejecting, terrorizing, extended ignoring, or corrupting a child; or

(f) Anyone to:

(i) Restrict a child’s breathing;

(ii) Bind or restrict a child’s movement unless permitted under WAC 170-300-0335;

(iii) Tape a child’s nose, mouth, or other body part;

(iv) Deprive a child of sleep, food, clothing, shelter, physical activity, first aid, or regular or emergency medical or dental care;

(v) Force a child to ingest something as punishment such as hot sauce or soap;

(vi) Interfere with a child’s ability to take care of his or her own hygiene and toileting needs;

(vii) Use toilet learning or training methods that punish, demean, or humiliate a child;

(viii) Withhold hygiene care, toileting care, or diaper changing from any child unable to provide such care for himself or herself;

(ix) Expose a child to extreme temperatures as punishment;
movements.  
WAC 170-296A-6125  
Harmful or aggressive acts of children.  

The licensee and staff must:  
(1) Take steps to protect children from the harmful acts of other children; and  
(2) Immediately intervene when a child becomes physically aggressive.  
WAC 170-296A-6150  
Prohibited actions.  

The licensee or staff must not or allow others to:  
(1) Restrict a child’s breathing;  
(2) Deprive a child of:  
   (a) Sleep, food, clothing, shelter, or physical activity;  
   (b) Needed first aid; or  
   (c) Required or emergency medical or dental care;  
(3) Interfere with a child’s ability to take care of his or her own hygiene and toileting needs; or  
(4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.  

(x) Demand excessive physical exercise or strenuous postures. Excessive physical exercise includes, but is not limited to, running laps around the yard until overly tired, an extensive number of push-ups, having a child rest more than the child’s development requires, standing on one foot for an uncomfortable amount of time, or holding out one’s arms until tired or painful; and  
(xi) Prevent or punish a child from exercising religious rights.  
Weight #8  

(3) An early learning provider may separate a preschool age or school age child from other children when that child needs to regain control of him or herself. During separation time, the child must remain under the direct supervision of a Licensee, Center Director, Assistant Director, Program Supervisor, and Lead Teacher. Separation of the child must not last longer than five minutes.  
Weight #6  

(4) If a child is separated from other children, an early learning provider must:  
   (a) Consider the child’s developmental level, language skills, individual and special needs, and ability to understand the consequences of his or her actions;  
   (b) Communicate to the child the reason for being separated from the other children;
Standards Alignment – Interactions and Curriculum

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| (c) Not place the separated child in a closet, bathroom, locked room, outside, or in an unlicensed space; or  
(d) Not use high chairs, car seats, or other confining space or equipment to punish a child or restrict movement.  
Weight #7  
(5) If an early learning provider follows all strategies in this section, and a child continues to behave in an unsafe manner, only a Licensee, Center Director, Assistant Director, Program Supervisor, or Lead Teacher may physically remove the child to a less stimulating environment. Staff must remain calm and use a calm voice when directing the child. Physical removal of a child is determined by that child’s ability to walk:  
(a) If the child is able to walk, staff may hold the child’s hand and walk him or her away from the situation.  
(b) If the child is not able to walk, staff may pick the child up and remove him or her to a quiet place where the child cannot hurt themselves or others.  
Weight #6 |

**Justification:**
This proposed revision addressing prohibited behavior, discipline and physical removal of children requires the early learning provider to proactively intervene when there is bullying or other harmful behavior occurring amongst children. The revision indicates that if all other strategies in the regulation are followed and the child is still behaving in an unsafe manner, then the child may be removed.

Additionally, the proposed revision incorporates vital feedback from 467 stakeholders who participated in series of 23 meetings in April and May 2016 to share their feedback on proposed licensing standards drafts. The participants represented all types of early
learning providers and a wide variety of racial, ethnic, cultural, refugee and immigrant, income, and linguistic communities including but not limited to: Native American, African-American, Hispanic/Latino, Asian, Yakama Nation, East African, Filipino, Spanish-speaking, Somali-speaking, Oromo-speaking and Russian-speaking. These stakeholders primarily supported professional development training but raised concern about provider time and cost. In response to some of these concerns, there have been revisions to the proposed standards regarding child guidance and separating children. Additionally, this revision also incorporates Thrive report feedback to ensure that actions involving separating a child are developmentally appropriate, taking into consideration children with special needs, culturally relevant for the specific child and clarification granted around the conditions of separating a child.

*Caring for Our Children, 3rd Edition,* notes that “It is the responsibility of caregivers/teachers to monitor what children are talking about and intervene when necessary.” (STANDARD 2.2.0.1: Methods of Supervision of Children), providing the rationale for the proposed change. Standard 2.2.0.10, which addresses the use of physical restraint, discusses the importance of trained staff when restraint is being used. This proposed regulation restricts who may remove a child to ensure that those with training are involved in this process.

### Emotional Support and Classroom Organization – Physical restraint

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>WAC 170-296A-6175</td>
<td>WAC 170-295-2040</td>
<td><strong>170-300-0335</strong></td>
</tr>
<tr>
<td>(2) Before using physical restraint, the licensee and staff must first use other methods described in WAC 170-296A-6075 to redirect or deescalate a situation.</td>
<td>(5) Prevent and prohibit any person on the premises from using cruel, unusual, hazardous, frightening, or humiliating discipline, including but not limited to:</td>
<td><strong>Physical restraint.</strong></td>
</tr>
<tr>
<td>WAC 170-296A-6200</td>
<td>(c) The use of a physical restraint method injurious to the child, locked time-out room, or closet for disciplinary purposes;</td>
<td>(1) An early learning provider must have written physical restraint protocols pursuant to WAC 170-300-0490, and implement such protocols only when appropriate and after complying with all requirements of WAC 170-300-0330 and 0331. <strong>Weight #7</strong></td>
</tr>
<tr>
<td>The licensee, staff, or household members must not use:</td>
<td>(6) In emergency situations, a staff person may use limited physical restraint when:</td>
<td>(2) Physical restraint must only be used if a child’s safety or the safety of others is threatened, and must be:</td>
</tr>
<tr>
<td>(1) Physical restraint as a form of punishment or discipline;</td>
<td>(a) Protecting a person on the premises from serious injury;</td>
<td>(a) Limited to holding a child as gently as possible to accomplish restraint;</td>
</tr>
<tr>
<td>(2) Mechanical restraints including, but not limited to, handcuffs and belt restraints;</td>
<td>(b) Obtaining possession of a weapon or other dangerous object; or</td>
<td>(b) Limited to the minimum amount of time necessary to control the situation; and</td>
</tr>
<tr>
<td>(3) Locked time-out or isolation space;</td>
<td></td>
<td>(c) Age and culturally appropriate.</td>
</tr>
</tbody>
</table>
Standards Alignment – Interactions and Curriculum

| 4 | Bonds, ties, tape, or straps to restrain a child; or |
| 5 | Physical restraint techniques that restrict breathing or inflict pain. These include, but are not limited to: |
| (a) | Restriction of body movement by placing pressure on joints, chest, heart, or vital organs; |
| (b) | Sleeper holds, which are holds used by law enforcement officers to subdue a person; |
| (c) | Arm twisting; |
| (d) | Pulling hair; |
| (e) | Choking or putting arms around the throat; or |
| (f) | Chemical restraint such as mace or pepper spray. |
| **WAC 170-296A-6225** | When a child's behavior makes it necessary for his or her own or other's protection, the licensee or primary staff person 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. |

| 3 | Only early learning Licensees, Center Directors, Assistant Directors, Program Supervisors, and Lead Teachers trained in a restraint technique pursuant to WAC 170-300-0106(9) may restrain a child. **Weight #7** |

| 4 | No person may use bonds, ties, blankets, straps, car seats, high chairs, activity saucers, or heavy weights (including and adult sitting on a child) to physically restrain children. **Weight #8** |

| 5 | Licensees, Center Directors, Assistant Directors, Program Supervisors, or Lead Teachers must remove him or herself from a situation if they sense a loss of their own self-control and concern for the child when using a restraint technique if another early learning provider is present. **Weight #8** |

| 6 | If physical restraint is used, a Licensee, Center Director, Assistant Director, Program Supervisor, or Lead Teacher must: |
| (a) | Immediately report the use of physical restraint to the child's parent or guardian and within 24 hours to the department pursuant to WAC 170-300-0475; |
| (b) | Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; |
| (c) | Document the incident in the child's file, |
Standards Alignment – Interactions and Curriculum

required under WAC 170-296A-2250;
(b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate; and
(c) Document the incident in the child's file, including what happened before, during and after the child was restrained.
(2) The licensee must develop a safety plan with the licensor if required by the department; including the date, time, early learning program staff involved, duration and what happened before, during and after the child was restrained; and
(d) Develop a written safety plan with input from the child’s primary care or mental health provider, early learning provider, parents or guardians, and a department licensor to address underlying issues and reduce need for further physical restraint if physical restraint is repeatedly necessary.

Weight #6

Justification:
The proposed licensing regulation addressing physical restraint includes some proposed new language.

Consistent with Caring for Our Children, 3rd Edition, one proposed change is a protocol for restraint, which is covered in Standard 2.2.0.8 in Caring for Our Children, which states “child care programs should have a comprehensive discipline policy.” A second proposed change restricts who may use a restraint to a limited number of staff roles and requires advance training on restraint. This is supported by Standard 2.2.0.10, which addresses the importance of trained personnel in this situation. A third proposed change indicates that anyone applying a restraint must remove him/herself if s/he find he is losing control. This is a logical extension of the safeguards that are proposed to be put in place when restraints are used. And finally, the language around safety plans is proposed to be amended to conform to the standard 2.2.0.10 in Caring for Our Children, which specifically includes the health provider, as well as parents/guardians, in the development of the safety plan.

Emotional Support and Classroom Organization – Expulsion

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Current Standard for “No Expulsion”</td>
<td>No Current Standard for “No Expulsion”</td>
<td>170-300-0340 Expulsion.</td>
</tr>
</tbody>
</table>

(1)Expulsion must only be used in extraordinary circumstances. An early learning provider may expel a child if, due to that child’s actions, the
program is not able to meet that child’s safety needs or the safety needs of others. **Weight #5**

(2) Expulsion policies must detail steps an early learning provider takes to avoid expelling a child and must include referral services, assessments, or programs that may benefit an expelled child. **Weight #5**

(3) To promote consistent care and maximize opportunities for child development and learning, a Licensee, Center Director, Assistant Director, Program Supervisor, or Lead Teacher must develop policies and practices that limit expulsions and other disciplinary actions that deny a child admission to an early learning program as a result of the child’s behavior. **Weight #5**

(4) If a child is expelled, an early learning provider must:
   (a) Share the program’s expulsion policy with the parent or guardian of the expelled child;
   (b) Provide a record to the parent or guardian about the expulsion and the steps taken to avoid expulsion;
   (c) Refer the family to alternative services, assessments, or programs that may benefit the child; and
   (d) Maintain a record of the expulsion and steps taken to avoid expulsion in the child’s file. **Weight #5**
Justification:
The proposed regulations specifically address expulsion, a change from previous versions of the regulations which did not squarely address this critical issue.

In addition, as part of the plan assurances for the state plan that is required by the CCDBG and its implementing regulations, states are specifically required including a “description of policies to prevent suspension, expulsion, and denial of services due to behavior of children birth to age five in child care and other early childhood programs receiving assistance.” (Section 98.16) The proposed regulation provides the opportunity for regulated programs to articulate their approach to this issue. Additionally, this revision also incorporates vital feedback from community and stakeholders to ensure that actions involving expulsion are developmentally appropriate, taking into consideration children with special needs, culturally relevant for the specific child, community resource sharing to families and language clarification regarding termination of services compared to expulsion.

DEL’s approach is also informed by the recent document, issued by the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES And U.S. DEPARTMENT OF EDUCATION, POLICY STATEMENT ON EXPULSION AND SUSPENSION POLICIES IN EARLY CHILDHOOD SETTINGs, https://www.acf.hhs.gov/sites/default/files/ecd/expulsion_ps_numbered.pdf, that explains the importance of this issue and the need for articulation of policy and approach.

Further, the Department of Early Learning has looked to Caring for Our Children, 3rd Edition, to inform its changes in this area. STANDARD 2.2.0.8: Preventing Expulsions, Suspensions, and Other Limitations in Services, which states “Child care programs should not expel, suspend, or otherwise limit the amount of services (including denying outdoor time, withholding food, or using food as a reward/punishment) provided to a child or family on the basis of challenging behaviors or a health/safety condition or situation unless the condition or situation meets one of the two exceptions listed in this standard.” The Standard also includes “Child care programs should have a comprehensive discipline policy that includes an explicit description of alternatives to expulsion for children exhibiting extreme levels of challenging behaviors, and should include the program’s protocol for preventing challenging behaviors. These policies should be in writing and clearly articulated and communicated to parents/guardians, staff and others. These policies should also explicitly state how the program plans to use any available internal mental health and other support staff during behavioral crises to eliminate to the degree possible any need for external supports (e.g., local police departments) during crises.” Also found within Caring for Our Children, 3rd edition, in the standard on expulsion is the rationale that expulsion is exceptional and that referral and support are needed in addressing the issue.

The proposed regulation also adds record-keeping requirements as a common-sense measure to protect the program, the family and the child by clear documentation of the issues and how they are resolved.
### Program Structure and Organization – Supervising children

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WAC 170-296A-4400</strong> (2) The licensee must have a method on exit doors to alert the licensee or staff when an exit door is opened. The licensee may use a chime, bell, alarm, or other device as an alert method. 170-296A-4875 Pets or other animals interacting with children. The licensee: (1) Or primary staff person must directly supervise, or instruct staff to directly supervise children preschool age and younger when the children are interacting with pets or other animals. 170-296A-4925 Licensed outdoor space (3) When the licensed outdoor play space is not adjacent to the home the licensee must: (a) Identify and use a safe route to and from the licensed outdoor space that is approved by the department; and (b) Supervise the children at all times when passing between the licensed outdoor space and the home. 170-296A-5750 Supervising Children (1) The licensee must provide required</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WAC 170-295-2010</strong> What types of play materials, equipment and activities must I provide for the children? You must: (3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to: (a) Gain self-esteem, self-awareness, self-control, and decision-making abilities; (b) Develop socially, emotionally, intellectually, and physically; (d) Experiment, create, and explore. (6) Maintain staff-to-child ratios and group size during transitions from one activity to another during the day. 170-295-2030 How should staff interact with children? To facilitate interactions between the staff and children that are nurturing, respectful, supportive and responsive, you</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>170-300-0345</strong> Supervising children. (1) An early learning provider must not allow any person other than a child’s parent or guardian to have unsupervised access to a child in care unless authorized and cleared by the department. “Unsupervised access” has the same meaning here as in chapter 170-06 WAC. For the purposes of this section, individuals authorized and cleared to have unsupervised access include: (a) Providers authorized by the department in chapter 170-06 WAC; (b) A government representative including emergency responders who has specific and verifiable authority for access supported by documentation; and (c) A person authorized in writing by a child’s parent such as a child’s therapist or health care provider. Weight #7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) An early learning provider must meet capacity, group size, mixed age grouping, and staff-to-child ratios while children are in care. This includes but is not limited to: (a) Indoor and outdoor play activities; (b) Off-site activities; (c) During transportation; (d) Meal times; (e) Rest periods; (f) Evening or overnight care; and
staffing levels, staff-to-child ratios and supervision for the number of children in attendance.
(2) The licensee or primary staff person must be aware of what the children are doing at all times and be available and able to promptly assist or redirect activities when necessary. If unable to see the children, the licensee or primary staff person must frequently go the area where the children are located to check on them. For the purposes of this section frequently is defined as on many occasions with little time between them.
(3) The licensee must consider the following when deciding how closely to supervise the children:
   (a) Ages of the children;
   (b) Individual differences and abilities;
   (c) Layout of the indoor and outdoor licensed space and play area;
   (d) The risk associated with the activities children are engaged in; and
   (e) Any nearby hazards including those in the licensed or unlicensed space.
(4) A baby monitor or video monitor must not be used in place of direct supervision of the children.

Additional requirements when the

must:
   (2) Support the child's development in understanding themselves and others by assisting the child to share ideas, experiences, and feelings;
   (4) Help each child solve problems with intervention as necessary;
   (5) Encourage children to be creative in their projects;
   (6) Allow independence in selecting routine activities and projects;
   (8) Encourage children to try new activities; and

170-295-2040
What behavior management and guidance practices must I have in place?

You must:
   (2) Guide the child's behavior based on an understanding of the individual child's needs and stage of development;
170-295-2060
What are the requirements for evening and nighttime care?
In addition to meeting the other requirements of chapter 170-295 WAC, if you offer child care during evening and nighttime hours, you

(g) When children are on different floor levels of the early learning program.
Weight #7

(3) An early learning provider must actively supervise all children in care by:
   (a) Continually scanning the environment looking and listening for both verbal and nonverbal cues to anticipate problems and plan accordingly;
   (b) Visibly checking on children often. For the purposes of this section, “often” means on many occasions with little time between them;
   (c) Moving around frequently to keep children in direct line of sight; and
   (d) Positioning him or herself to supervise all areas accessible to children.
Weight #8

(4) An early learning provider must attend to children and be aware of what children are doing at all times. Weight #8

(5) An early learning provider must be available and able to promptly assist or redirect a child as necessary. Weight #7

(6) An early learning provider must:
   (a) Take attendance when children enter and exit a vehicle during transportation and field trips, assuring all children are accounted for;
children are indoors.
(5) The licensee or primary staff person must be within sight or hearing range when children are indoors and be available and able to respond if the need arises for the safety of the children.
(6) When children are present on more than one level (floor) of the home, the licensee or primary staff person must be supervising the children on each level and maintain required staff-to-child ratios. Each level of the home used by the children must be licensed space.

Additional requirements when the children are outdoors.
(7) The licensee or primary staff person must be within sight and hearing range when children preschool age or younger are using the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.
(8) The licensee or primary staff person must be within sight or hearing range when children school age are present in the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.
(9) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space, must:
(2) Maintain the same staff-to-child ratio that is in effect during daytime care;
(3) Keep the child within continuous visual and auditory range at all times;
(5) Ensure all staff attending to children in care are awake.

What do I need to transport the children on offsite trips?
(6) When you transport children, you must maintain the staff-to-child ratio established for the youngest child in the group; and
(7) Staff or driver must not leave the children unattended in the motor vehicle.

What are the required staff to child ratios and maximum group sizes for my center:
(1) You must ensure the required staff to child ratios are met at all times when children are in your care. The licensee must conduct group activities within the groups size and staff to child ration requirements, according to the age of the children: (Chart)
(2) You must conduct activities for each group in a specific room or

(b) Not use devices such as a baby monitors, video monitors, or mirrors instead of direct supervision;
(c) Have a mechanism on exit doors in the licensed space to alert providers when an exit door is opened such as a bell, alarm, or other device that can be heard throughout the licensed space;
(d) Supervise children when the children:
   (i) Interact with pets or animals;
   (ii) Engage in water or sand play;
   (iii) Play in an area in close proximity to a body of water;
   (iv) Use a safe route to access outdoor play area when the area is not immediately adjacent to the early learning program;
   (v) Engage in planned activities in the kitchen; and
   (vi) Ride on public transportation.
(e) Ensure no infant or child is left unattended during:
   (i) Diapering;
   (ii) Bottle feeding; or
   (iii) Tummy time.
(f) Provide active supervision to children while bathing.
(g) Consider the following when deciding whether increased supervision is needed:
   (i) Ages of children;
   (ii) Individual differences and abilities of children;
   (iii) Layout of the indoor and outdoor
except as provided in subsection (10) of this section. 

(10) Except when children in care are using a wading pool or swimming pool, a second staff person or assistant may engage in other child care activities temporarily as long as he or she is in sight or hearing range and is available and able to respond if the need arises for the safety of the children. 

WAC 170-296A-6000

Interactions with children

The licensee and staff members must:

(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 actions, even to very young babies;

(5) Appropriately hold, touch and smile at children;

(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;

(9) Perform age or developmentally appropriate nurturing activities that:

(a) Take into consideration the 

other defined space within a larger area.

(3) You must ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child’s activities.

(4) You must ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.

(5) You must maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if:

(a) Staff remain on the premises; and

(b) Each child is within continuous visual and auditory range of a staff person.

(6) You must ensure staff:

(a) Attend to the group of children at all times; and

(b) Keep each child (including school age children) within continuous visual and auditory range of center staff. Toilet trained children using the toilet must within auditory range of a center staff member.

(7) When only one staff person is 

licensed space and play area;

(iv) The risk associated with the activities children are engaged in; and

(v) Any nearby hazards including those in the licensed or unlicensed space. 

Weight #7

(7) An early learning program staff member not actively supervising children may undertake other child care activities for a temporary time period. Such activities include, but are not limited to, cleaning up after an activity or preparing items for a new activity. This early learning staff member must remain in visual or auditory range, and available and able to respond if needed. This requirement does not apply to play in or near pools or water hazards. 

Weight #6
**Standards Alignment – Interactions and Curriculum**

<table>
<thead>
<tr>
<th>parent’s own nurturing practices; (b) Promote each child’s learning self-help and social skills; and (c) Stimulate the child’s development.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Off-site activity supervision.</strong> When on an off-site activity, the licensee and staff responsible for the care of the children must at all times provide supervision, and be able to promptly assist or redirect the children’s activities.</td>
</tr>
<tr>
<td><strong>Transportation</strong> When transporting children the licensee, staff, and volunteers must: (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.</td>
</tr>
<tr>
<td><strong>Using public transportation.</strong> 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 present, you must ensure a second staff person is readily available in case of emergency. (8) When only one caregiver is required to meet the staff to child ratio, you must be sure there is coverage for emergencies to meet both ratios and worker qualifications by either: (a) Posting the name, address, and telephone number of a person who meets the qualifications of at least a lead teacher, who has agreed in writing to be available to provide emergency relief and who can respond immediately; or (b) Having a second person that meets the qualifications of at least a lead teacher on the premises who is not needed for the staff to child ratio, but is available to provide emergency relief. (9) Service staff, such as cooks, janitors, or bus drivers, may be counted in the required staff to child ratio if they meet all child care worker qualifications.</td>
</tr>
<tr>
<td>Are children allowed in the kitchen when they are doing supervised activities?</td>
</tr>
</tbody>
</table>
transportation unsupervised.

170-296A-6800

Rest periods:
(1) The licensee must offer a daily supervised rest period for children.
(2) The supervised rest period must be...

170-296A-6850

Overnight care

The licensee must be approved by the department to provide 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) The licensee or a 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

170-296A-7025

Infant “tummy time” positioning

When infants are awake, the licensee or staff must allow each infant supervised tummy time at least three times daily....

170-296A-7175

Bottle feeding infants

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

(b) Must be in the same room within visual range of the infant during

(1) You must be sure that children are not in the kitchen except during supervised activities.
(2) When children are in the kitchen, you must:

(a) Supervise food preparation activities involving children; and

(b) Make the kitchen environmentally safe for children to participate in planned kitchen activities.

170-295-2130

Do I need an outdoor play area?

(4) You must ensure appropriate child grouping by developmental or age levels, staff-to-child ratio adherence, and maintain group size;

(5) Staff must be outdoors with the children in continuous visual and auditory range;

170-295-4120

What must I do to be sure that diaper changing is safe and does not spread infections?

(3) You must not leave the child unattended during the diaper change.

170-295-5020

(4) You must implement a method to monitor entrance and exit doors to prevent children from
<table>
<thead>
<tr>
<th>Standards Alignment – Interactions and Curriculum</th>
</tr>
</thead>
</table>

**feeding.**

170-296A-7300

Diaper changing

(1) The licensee or staff must:

| (c) | Attend to the child at all times when diapering a child; |

<table>
<thead>
<tr>
<th>exiting the buildings unsupervised. You may use:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) A door alarm;</td>
</tr>
<tr>
<td>(b) A bell that can be heard throughout the building;</td>
</tr>
<tr>
<td>(c) Adult supervision at the exits; or</td>
</tr>
<tr>
<td>(d) Other method to alert the staff (you may not lock the door to prevent an exit. It is against the fire code).</td>
</tr>
</tbody>
</table>

170-295-5100

What are the requirements for toilets, handwashing sinks and bathing facilities?

(10) If the center is equipped with a bathing facility, you must:

| (c) | Provide constant supervision for the child five years of age and younger and older children who require supervision. |

170-295-6060

Who is allowed to have unsupervised access to children in care:

(1) During operating hours or while a child is in care, individuals allowed to have unsupervised access to the child in care are:

| (a) | You; |
| (b) | An employee or volunteer who has been authorized by DEL to care for or have |
unsupervised access to children in care; and
(c) A representative of a governmental agency who has specific, verifiable authority supported by documentation for the access.
(2) A parent can have unsupervised access only to his or her own child. A parent may sign an authorization for an individual to have unsupervised access to his or her own child (for example a therapist).
(3) You must not allow anyone else to have unsupervised access to a child in child care.

Justification:
As part of the Early Start Act alignment, the Department of Early Learning analyzed all existing licensing, both family home and center rules. The issues identified included duplication, inconsistency, dual language learners (DLL), inclusion and equity, and underscored the importance of the connections between policy, practice, and reporting. There was an identified need to have consistent and clear connections in early learning programs in order to best support providers and the children and families that they serve. At the same time, gaps were noted between family home and center rules, many because of more recent revisions to family home rules than center rules. The revisions respect each unique setting but also seek to align center and family home as appropriate.

| Program Structure and Organization – Supervising children during water activities |
|---------------------------------|---------------------------------|---------------------------------|
| Family Home WAC | Center WAC | Proposed WAC |
| WAC 170-296A-5150 | WAC 170-295-5050 | 170-300-0350 |
| Water activity – Supervision When children in care are attending a swimming or water play activity outside the licensed premises: | How can I make sure water activities are as safe and sanitary as possible? (1) To ensure that the children are safe with a swimming pool on the | Supervising children during water activities. (1) During water activities an early learning provider must meet all supervision requirements of this section and WAC 170-300-0345. Weight #8 |
### Standards Alignment – Interactions and Curriculum

1. The licensee must have written permission from each child’s parent or guardian;
2. There must be a certified lifeguard on duty; and
3. When infants or toddlers are in water depth that is:
   (a) Twenty-four inches or less, the licensee or staff must stay within reach of infants or toddlers; or
   (b) Greater than twenty-four inches, the licensee must provide one-to-one staff-to-child ratio for each infant or toddler. Staff must hold or be in constant touch contact with each infant or toddler.

#### Wading Pools – Defined – Supervision

(2) When a wading pool on the premises is intended for use by the children, the licensee must:
   (a) Directly supervise or have a primary staff person directly supervise the children;
   (c) Maintain staff-to-child ratios when children are in a wading pool;
   (d) Keep infants or toddlers in the wading pool within reach of the licensee or staff;

#### Swimming Pools Defined – Barriers and Supervision

(2) A one-to-one (1:1) staff-to-child ratio must be met for infants and toddlers. Early learning program staff must hold or have continuous touch of infants and toddlers. **Weight #8**

(3) An early learning provider must have written permission for water activities from each child’s parent or guardian. **Weight #7**

(4) For swimming or water play activities, on or off the early learning program premises, an early learning provider must ensure:
   (a) If water is more than 24 inches deep:
      (i) A certified lifeguard must be present and on duty; and
      (ii) At least one more staff member than regularly required for the staff-to-child ratio is present to help supervise children preschool age and older;
   (b) If water is less than 24 inches deep, staff must hold or have continuous touch of infants or toddlers.
   **Weight #8**

(5) If the swimming pool is 6 feet or more in width, length, or diameter, an early learning provider must provide a ring buoy and rope, a rescue tube, or a throwing line and a shepherd’s hook that will not conduct electricity. The life-saving equipment must be readily accessible and long enough to reach the center of the pool from the edge. **Weight #8**

---

**NRM Draft Only (May 2017)**
(4) When the swimming pool on the premises is used by the children:
   (b) One person present at the swimming pool must have lifeguard training;
   (c) The licensee must provide:
       (i) One additional staff person more than the required staff-to-child ratio than provided in WAC 170-296A-5700 to help supervise children preschool age and older;
       (ii) A one-to-one staff-to-child ratio for infants or toddlers in the swimming pool;
   (d) Staff must hold or be in constant touch contact with infants or toddlers in the swimming pool;

170-296A-5225
Bodies of water or water hazard on the licensed premises.

(2) When children are in care the licensee must:
   (b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water.

170-296A-5250
Bodies of water outside and near licensed space.

(6) If an early learning provider takes children off-site to an area with an accessible body of water more than four inches deep (for example, a park with a lake or stream) there must be:
   (a) At least one more staff person than required in the staff-to-child ratio; and
   (b) At least one attending staff person must be able to swim.

Weight #8
(3) When the licensee or primary staff person takes children near a body of water outside the licensed premises and children have access to a body of water that is more than four inches deep, there must be:

(a) One additional staff person more than the required staff-to-child ratio provided in WAC 170-296A-5700 to help with the children; and

(b) At least one staff person in attendance must be able to swim WAC 170-296A-5750

(11) See:

(a) WAC 170-296A-5150 for additional supervision requirements when children are engaged in off-site water play or swimming activity;

(b) WAC 170-296A-5175 for additional supervision requirements when children are using a wading pool; and

(c) WAC 170-296A-5200 for additional supervision requirements when children are using a swimming pool.

**Justification:**

There is a new proposed addition regarding swimming pools that pertains to life-saving equipment.

Specifically, the new proposed regulation that addresses life-saving equipment incorporates Caring for our Children, 3rd Edition Standard 6.3.2 Pool Equipment, STANDARD 6.3.2.1: Lifesaving Equipment, providing “Each swimming pool more than six feet in
width, length, or diameter should be provided with a ring buoy and rope, a rescue tube, or a throwing line and a shepherd’s hook that will not conduct electricity. This equipment should be long enough to reach the center of the pool from the edge of the pool, should be kept in good repair, and should be stored safely and conveniently for immediate access. Caregivers/teachers should be trained on the proper use of this equipment so that in emergencies, caregivers/teachers will use equipment appropriately. Children should be familiarized with the use of the equipment based on their developmental level.”

<table>
<thead>
<tr>
<th>Program Structure and Organization – Indoor early learning program space capacity</th>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>170-300-0354 Indoor early learning program space capacity.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)To define capacity, licensed indoor early learning program space must have a minimum of 35 square feet per enrolled child and further comply with WAC 170-300-0130. Weight #4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Center early learning program space must provide 15 additional square feet for each infant or toddler using a crib or playpen if the crib or playpen is located or placed in the sleeping or play area. Weight #1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Floor space under tables, desks, chairs, and other equipment used as part of children’s activities must be included in the overall capacity. Weight NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Office or kitchen space that is inaccessible to children and not intended for their use must not be included in the overall capacity. Weight NA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) An early learning provider may use the napping area as early learning program space if staff removes mats and cots when not in use and children have free access to the area. Weight NA</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The following indoor space must not be counted in the overall capacity:

(a) Unlicensed space;
(b) Hallway space;
(c) Bathrooms and diaper changing areas (including 24 inches surrounding diaper changing areas and handwashing sink);
(d) Laundry areas;
(e) Closets;
(f) Stairways; and
(g) Floor space occupied by shelves, permanent built-in cabinets, children’s individual storage space and early learning program staff equipment including, but not limited to, file cabinets, desks, and other office equipment.

Weight NA

A large, licensed, indoor gross motor activity space can be used, but not counted in the overall capacity if:

(a) The space provides 75 square feet per child for the maximum number of children listed on the license; and
(b) The space is safe and appropriate for activities otherwise performed in an outdoor play space.

Weight NA

Justification:
As part of the Early Start Act alignment, the Department of Early Learning analyzed all existing licensing, both family home and center rules. The issues identified included duplication, inconsistency, dual language learners (DLL), inclusion and equity, and underscored the importance of the connections between policy, practice, and reporting. There was an identified need to have
consistent and clear connections in early learning programs in order to best support providers and the children and families that they serve. At the same time, gaps were noted between family home and center rules, many because of more recent revisions to family home rules than center rules. The revisions respect each unique setting but also seek to align center and family home as appropriate.

### Program Structure and Organization – Family home capacity, ratio, and group size

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>FH 170-296A-5400</td>
<td></td>
<td>170-300-0355</td>
</tr>
<tr>
<td>Infant-toddler only license (birth to two years old)</td>
<td></td>
<td><strong>Family home capacity, ratio, and group size.</strong></td>
</tr>
<tr>
<td>FH 170-296A-5450</td>
<td></td>
<td>(1) The department issues initial or non-expiring family home licenses for up to twelve children. The department will not issue a family license to care for more children than permitted by the rules in this chapter. The department may issue a license to care for fewer than the maximum allowable enrolled children. For each Family Home Licensee, licenses state:</td>
</tr>
<tr>
<td>Two through five year old only license</td>
<td></td>
<td>(a) The maximum number of children that may be in care at any one time (total capacity); and</td>
</tr>
<tr>
<td>FH 170-296A-5500</td>
<td></td>
<td>(b) The age range of children allowed in care.</td>
</tr>
<tr>
<td>School age only license (over five years through twelve years).</td>
<td></td>
<td><strong>Weight NA</strong></td>
</tr>
<tr>
<td>FH 170-296A-5550</td>
<td></td>
<td>(2) A Family Home Licensee must not exceed the total capacity or enroll children outside the age range stated on their license at any time. All children in care, on the premises, at offsite activities, or being transported by the early learning provider, staff, or household members are counted towards total capacity. <strong>Weight #7</strong></td>
</tr>
<tr>
<td>Birth through twelve years license.</td>
<td></td>
<td>(3) Any child on the premises, signed in to the child care, on an off-site trip from the early learning program, or being transported birth through</td>
</tr>
</tbody>
</table>
Standards Alignment – Interactions and Curriculum

<table>
<thead>
<tr>
<th>Experience, the department may issue an initial license limited to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Caring for not more than six children; or</td>
</tr>
<tr>
<td>(b) Caring for children older than eighteen months and walking independently.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff-to-child ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(2) The licensee must provide additional staff as described in WAC 170-296A-5150, 170-296A-5175, or 170-296A-5225 when children are participating in water activities or activities near water.</td>
</tr>
</tbody>
</table>

| twelve years old counts in capacity. This includes a Family Home Licensee’s own children, children of staff, or visiting children not accompanied or supervised by an adult. Weight #6 |
| (4) A Family Home Licensee must provide qualified staff to fulfill the staffing requirements and staff-to-child ratios during operating hours, including off-site activities and when transporting children in care. Weight #7 |
| (5) A Family Home Licensee must provide additional staff pursuant to WAC 170-300-0350 when children are participating in water activities or activities near water. Weight #7 |
| (6) A Family Home Licensee may care for a child with special needs who is older than the maximum age identified on the license with department approval, pursuant to WAC 170-300-0300. A child with documented special needs may be in care up to age 19 and must be counted in capacity and staff-to-child ratio. Weight #6 |
| (7) If a child with special needs requires individualized supervision, a staff member providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care. Weight #6 |
| (8) The department determines capacity for a family home early learning program after considering: |
| (a) Square footage of the early learning program |

FH 170-296A-5600

FH 170-296A-5625
<table>
<thead>
<tr>
<th>Capacity and ratio</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The licensee must not exceed the total number or ages of children in care (capacity) stated on the child care license.</td>
<td></td>
</tr>
<tr>
<td>(2) All children in care through twelve years of age in attendance on the premises or being transported by the licensee or staff or a household member are counted in capacity.</td>
<td></td>
</tr>
<tr>
<td>(3) Any child within the age range on the license count in ratio, including the licensee’s own children, children of staff, or visiting children who are not accompanied by an adult.</td>
<td></td>
</tr>
<tr>
<td>(4) The licensee must receive department approval to care for a child with special needs as documented in WAC 170-296A-0050 if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in ratio.</td>
<td></td>
</tr>
<tr>
<td>(5) If an individual child with special needs requires individualized supervision, a staff member providing individualized supervision for</td>
<td></td>
</tr>
<tr>
<td>program environments pursuant to WAC 170-300-0130 and 0354;</td>
<td></td>
</tr>
<tr>
<td>(b) An early learning provider’s years of experience in licensed child care;</td>
<td></td>
</tr>
<tr>
<td>(c) A provider’s education and on-going training;</td>
<td></td>
</tr>
<tr>
<td>(d) The age range requested and/or approved by the department;</td>
<td></td>
</tr>
<tr>
<td>(e) The amount of developmentally appropriate equipment, materials, and toys a provider can provide children to use;</td>
<td></td>
</tr>
<tr>
<td>(f) A provider’s licensing history with the department; and</td>
<td></td>
</tr>
<tr>
<td>(g) The number of qualified staff available to meet staff-to-child ratios.</td>
<td>Weight #1</td>
</tr>
<tr>
<td>(9) When applying for an initial or non-expiring family home license, a Family Home Licensee with less than one year of experience may request from the department a capacity of up to six children, birth through twelve years of age. A maximum of three children may be under two years of age (one child must be able to walk independently). Experience must be as a Center Director, Program Supervisor, Lead Teacher, a Family Home Licensee, or another similar role in a licensed child care setting for at least twelve months. Weight NA</td>
<td></td>
</tr>
<tr>
<td>(10) When applying for an initial or non-expiring family home license, a Family Home Licensee with at least one year but less than two years of experience and:</td>
<td></td>
</tr>
</tbody>
</table>
that child does not count in the staff-to-child ratio for the other children in care.

FH 170-296A-5700
Capacity and ratio table – Birth through 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:
Chart
(3) 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.

(a) Working alone may request a capacity of up to eight children ages two through twelve years of age, with a maximum of four children under three years of age;
(b) Working with a qualified assistant may request a capacity of up to nine children birth through twelve years of age with a maximum of four children under two years of age.

Weight NA

(11) When applying for an initial or non-expiring family home license, a Family Home Licensee with at least two years’ experience and:
(a) Working alone may request a capacity of up to ten children ages three years through twelve years of age;
(b) Working with a qualified assistant, may request a capacity of up to twelve children birth through twelve years of age with a maximum of four children total under two years of age.

Weight NA

(12) The staff-to-child ratio is determined by the ages and number of children in care. Two early learning program staff are required anytime:
(a) More than six children are in care and any child in care is under two years of age;
(b) More than eight children are in care and any child in care is under three years of age; and
(c) More than ten children are in care.

Weight #7
Justification:
The Washington state legislature granted the Department of Early Learning (DEL) the authority “to safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care.” RCW 43.215.005(4)(c). As part of this responsibility, DEL must “administer child care and early learning programs.” RCW 43.215.005(4)(d). Accordingly, DEL administers these programs by creating and enforcing rules that protect and promote the health and safety of enrolled children. This proposed section has two new requirements that help determining the child capacity for family early learning home. The first requires family home providers to have an amount of developmentally appropriate equipment, materials, and toys that is sufficient for the number of children in care. The second requires DEL to assess an early learning provider’s licensing history with the department before determining how many children a provider will be licensed to care for. These requirements are consistent with DEL’s overall perspective on having licensing serve as a foundation for child health, safety and development. Without these components that help foster a child’s healthy growth, child in licensing early learning programs could suffer indirect harm to their overall development and future success. Equipment, materials and toys are required in sufficient quantity to meet the basic needs of the children.

In this section, DEL proposes using a provider’s history of compliance over a three year period to help determine how many children a provider can safely care for. This requirement is anchored by the importance of capturing and analyzing data that reflects the weight (or inherent risk) of rules a provider fails to comply with. By using this approach, and capturing this data, DEL is able to tailor staff to-child ratios for each provider in a way that will increase compliance overall, reduce the number of times a provider fails to comply with licensing rules, identify which providers are the most able to care for a higher number of children. A provider’s previous licensing history provides a sound indicator for future success. *Caring for Our Children* emphasizes the importance of a proper staff-to-child ratio. Lower ratios tend to benefit children, particularly infants and toddlers. “Direct, warm social interaction between adults and children is more common and more likely with lower child:staff ratios.” *Caring for Our Children, 3rd edition*, section 1.1.1.2. Because lower ratios generally produce more developmentally appropriate care and interaction, DEL critically looks to all health and safety regulations—particularly a provider’s history of complying with these regulations—prior to increasing the number of children a provider is licensed to care for. Under the new proposal of this section, DEL will analyze not only the severity or risk level of the rules that the provider failed to comply, but also the provider’s patterns of compliance with these rules over time. Accordingly, historical licensing data helps DEL to better determine which providers are capable of providing the “direct, warm social interaction” children need to thrive in early learning.
### Program Structure and Organization – Center capacity, ratio, and group size

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
</table>
| Center 170-295-2090 | **What are the required staff to child ratios and maximum group sizes for my center?**<br>**The following requirements apply to centers licensed for any number of children:**<br>1) You must ensure the required staff to child ratios are met at all times when children are in your care. The licensee must conduct group activities within the group size and staff to child ratio requirements, according to the age of the children:<br>a) One month through 11 months (infant) **1:4** 8<br>b) Twelve months through 29 months (toddler) **1:7** 14<br>c) Thirty months through six years not attending **1:10** 20 | **170-300-0356**<br>**Center capacity, ratio, and group size.**<br>1) The department issues initial or non-expiring center early learning provider licenses. The department will not issue a center license to care for more children than permitted by the rules in this chapter. The department may issue a license to care for fewer than the maximum allowable enrolled children. For each center, licenses state:<br>a) The maximum number of children that may be in care at any one time (total capacity);<br>b) The capacity for each space within the center licensed for use by children; and<br>c) The age range of children allowed in care.<br>**Weight NA**<br>2) The department determines capacity for a center after considering:<br>a) The square footage of the center early learning program environments as defined in WAC 170-300-0130 and 0354;<br>b) A center early learning provider’s years of experience in licensed child care;<br>c) A center provider’s education and ongoing training;<br>d) The age range of children requested and/or approved by the department;<br>e) The amount of developmentally appropriate equipment, materials, and
kindergarten or elementary school (preschool age child)  
(d) Five years through 12 years attending kindergarten or elementary school (school-age child)  

<table>
<thead>
<tr>
<th>Weight</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:15</td>
<td>30</td>
</tr>
</tbody>
</table>

(2) You must conduct activities for each group in a specific room or other defined space within a larger area.  
(3) You must ensure each group is under the direct supervision of a qualified staff person or team of staff involved in directing the child’s activities.  
(4) You must ensure the staff person providing direct care and supervision of the child is free of other duties at the time of care.  
(5) You must maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff may be involved in other activities if:  
   (a) Staff remain on the premises; and  
(6) In each classroom or well-defined space, the maximum group size and ratio of center staff members to children, including children related to staff or the licensee, must be:

- toys a center early learning program can provide children to use;  
- (f) A center provider’s licensing history with the department; and  
- (g) The number of qualified staff available to meet staff-to-child ratios.  

**Weight #1**

(3) The department will not issue a center license to care for more children than permitted by the rules in this chapter but may issue a license to care for fewer children than the maximum number who could be physically present on site under this chapter. **Weight NA**

(4) A Center Licensee must not exceed the total capacity or age range stated on the child care license at any time. All children on the premises, signed in to child care, on an off-site trip from the early learning program, or being transported by the early learning program staff are counted in capacity, including the children of staff. **Weight #6**

(5) A Center Licensee must provide qualified staff to fulfill staffing requirements, staff-to-child ratios, group size, and mixed age groupings during operating hours, including off-site activities or when transporting children in care. **Weight #7**
(b) Each child is within continuous visual and auditory range of a staff person.

(6) You must ensure staff:
   (a) Attend to the group of children at all times; and
   (b) Keep each child (including school age children) within continuous visual and auditory range of center staff. Toilet trained children using the toilet must be within auditory range of a center staff member.

(7) When only one staff person is present, you must ensure a second staff person is readily available in case of emergency.

(8) When only one caregiver is required to meet the staff to child ratio, you must be sure there is coverage for emergencies to meet both ratios and worker qualifications by either:
   (a) Posting the name, address, and telephone number of a person who meets the qualifications of at least a lead teacher, who has agreed in writing to be available to provide emergency relief and who can respond immediately; or
   (b) Having a second person that meets the qualifications of at least a lead teacher on the premises who is

(a) Infants (birth through 11 months of age) with a:
   (i) Maximum group size of 8 with a ratio of 1 staff to 4 children (1:4);
   (ii) Maximum group size of 9 with a ratio of 1:3;

(b) Toddlers (12 through 29 months of age) with a:
   (i) Maximum group size of 14 with a ratio of 1:7;
   (ii) Maximum group size of 15 with a ratio of 1:5; and

(c) Preschoolers (30 months through 6 years of age who are not attending kindergarten or elementary school) with a maximum group size of 20 with a ratio of 1:10; and

(d) School-age children (5 years through 12 years of age who are attending kindergarten or elementary school) with a maximum group size of 30 with a ratio of 1:15.

Weight #7

(7) Children at least five years old and enrolled in or attending kindergarten may be a part of the preschooler age group if developmentally appropriate and the child’s parent or guardian agrees to this placement. Weight #5

(8) A center early learning provider must conduct activities for each group of children in a specific room or other defined space within a larger area. Weight #5
not needed for the staff to child ratio, but is available to provide emergency relief.

(9) Service staff, such as cooks, janitors, or bus drivers, may be counted in the required staff to child ratio if they meet all child care worker qualifications.

Center 170-295-2100

What are the exceptions to group sizes and staff to child ratios?

(1) If the center is licensed for twelve or fewer children, you may combine children (excluding infants not walking independently) of different age groups if you:
   (a) Maintain the staff to child ratio for the youngest child in the mixed group; and
   (b) Provide a separate area when infants not walking independently are in care.

(2) In centers licensed for thirteen or more children, you may group children between one year and two years of age who are walking independently with older children, provided:
   (a) The total number of children in the group does not exceed twelve; and

(9) A Center Licensee must provide additional staff as described in WAC 170-300-0350 when children are participating in water activities or activities near water. Weight #7

(10) A Center Licensee must receive department approval to care for a child with special needs, pursuant to WAC 170-300-0300, if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in capacity and staff-to-child ratio. Weight #6

(11) If an individual child with special needs requires individualized supervision at a center, a staff member providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care. Weight #6

(12) When only one center staff is required to care for a group of children, the Center Licensee must ensure:
   (a) That staff member provides active supervision at all times to the children in care;
   (b) That staff member is free of all other duties while providing care to children; and
   (c) A second qualified staff member is on site and readily available to respond if needed. Weight #7

* Center capacity, ratio and group size table***
(b) Two staff are assigned to the group.

(3) Excluding infants not walking independently, you may place an individual child in a different age group and serve the child within the different age group's required staff to child ratio. Prior to making the change, you must:

   (a) Consult with the child's parent; and
   (b) Document that the change is appropriate to the child's individual needs and developmental level.

(4) Mixed groups including infants walking independently under subsections (1) and (3) of this section must not include school-age children.

(5) You may combine children of different age groups for periods of no more than one hour at the beginning and end of the day provided you maintain the staff to child ratio and group size designated for the youngest child in the mixed group;

(6) You may have nine infants in a classroom with appropriate square footage if you maintain a ratio of one staff to three infants; and

(7) You can request a waiver to group size limitations. If we approve
variations to group size limitations, you must maintain the required staff-to-child ratios. Our approval will depend on factors including, but not limited to:

(a) Staff qualifications;
(b) Program structure;
(c) Square footage; and
(d) Lower staff to child ratios.

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

**Justification:**
As part of the Early Start Act alignment, the Department of Early Learning analyzed all existing licensing, both family home and center rules. The issues identified included duplication, inconsistency, dual language learners (DLL), inclusion and equity, and underscored the importance of the connections between policy, practice, and reporting. There was an identified need to have consistent and clear connections in early learning programs in order to best support providers and the children and families that they serve. At the same time, gaps were noted between family home and center rules, many because of more recent revisions to family home rules than center rules. The revisions respect each unique setting but also seek to align center and family home as appropriate.

### Program Structure and Organization – Center mixed age groupings capacity, ratio, and group size

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>170-300-0357</strong></td>
</tr>
</tbody>
</table>

**170-300-0357 Center mixed age groupings capacity, ratio, and group size.**

(1) A center early learning program may have mixed age grouping when the program has reached and maintained a level 3 or higher in the Early
Achiever’s program. Before mixing age groups, an early learning program must:
(a) Consult with parents and obtain written approval for their child to be in a combined age group;
(b) Meet the square footage requirements for the youngest child in the group, pursuant to WAC 170-300-0130; and
(c) Meet the developmental needs of all ages in the mixed group.

Weight #5

(2) Center early learning programs may have mixed age grouping for children between the ages of birth to 48 months with a maximum group size of 8 when:
(a) There are two staff present with the group, consisting of a Lead Teacher and another staff who meets the qualifications to be counted in ratio;
(b) The ratio is 1:4; and
(c) Only two children are not walking independently.

Weight #5

(3) Center early learning programs may have mixed age grouping for children between the ages of birth to 48 months with a maximum group size of 9 children when:
(a) There are three staff present with the group, consisting of one Lead Teacher and two other staff who meet the qualifications to be counted in ratio;
### Standards Alignment – Interactions and Curriculum

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>(b) The ratio is 1:3; and</strong></td>
<td><strong>(c) Only three children are not walking independently.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Weight #5</strong></td>
<td></td>
</tr>
<tr>
<td><strong>(4)</strong></td>
<td>Center early learning programs may have mixed age grouping for children between the ages of 24 and 48 months with a maximum group size of 12 children when:</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>(a) There are two staff present with the group, consisting of one Lead Teacher and another staff who meets the qualifications to be counted in ratio;</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>(b) The ratio is 1:6; and</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>(c) Only five children are under the age of 30 months.</strong></td>
<td><strong>Weight #5</strong></td>
</tr>
</tbody>
</table>

#### Justification:

The proposed regulation, 170-300-0357 Center mixed age groupings capacity, ratio, and group size, reflects an opportunity to provide greater flexibility to the center early learning programs. The proposal calls for programs that are at the third level or above of Early Achievers to be permitted to have mixed age groupings without further review. The rationale for this approach is that the programs have achieved a consistency in delivery quality and are well prepared to handle the complex supervision and teaching that is needed to attend to children’s health, safety and developmental needs in a mixed age grouping. This approach also allows for strengthened Head Start and Early Head Start partnerships, the use of streamlined funding and a greater flexibility to meet the demand for infant and toddler care. Procedural safeguards are built into the proposal including disclosure to families. The remaining portions of the proposed regulation address the particulars depending on the age of the children, and have balanced issues around supervision, whether children are walking or not, and the overall direction of the regulations to support quality. Caring for Our Children, 3rd Edition, gives general guidance on mixed age groupings, stating “When there are mixed age groups in the same room,
the child:staff ratio and group size should be consistent with the age of most of the children. When infants or toddlers are in the mixed age group, the child:staff ratio and group size for infants and toddlers should be maintained. In large family child care homes with two or more caregivers/teachers caring for no more than twelve children, no more than three children younger than two years of age should be in care.” Standard 1.1.1.2: Ratios for Large Family Child Care Homes and Centers. In this proposed regulation, the Department has sought to devise reasonable solutions for mixed age groupings that are in keeping with the framework found in Caring for Our Children, 3rd Edition.

**Program Structure and Organization – Program and daily activity schedule**

<table>
<thead>
<tr>
<th>Family Home WAC</th>
<th>Center WAC</th>
<th>Proposed WAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The licensee must have and post a typical daily schedule that includes program activities.</td>
<td>(2) Have a current daily schedule of activities and lesson plans that are designed to meet the children’s developmental, cultural, and individual needs. The toys, equipment and schedule must be:</td>
<td>(1) An early learning provider must have an established program and daily activity schedule that is familiar to children. For example, routines and activities should occur in relatively the same sequence most days. Weight #1</td>
</tr>
<tr>
<td>(2) The typical daily schedule must include:</td>
<td>(a) Specific for each age group of children; and</td>
<td>(2) A schedule must be designed to meet enrolled children’s developmental, cultural, individual, and special needs. The daily activity schedule must:</td>
</tr>
<tr>
<td>Hours of operation</td>
<td>(b) Include at least one activity daily for each of the following (you can combine several of the following for one activity):</td>
<td>(a) Be specific for each age group of children when applicable. For example, centers with multiple groups of children or family homes with only one group; and</td>
</tr>
<tr>
<td>(a) Types of activities, including screen time;</td>
<td>(i) Child initiated activity (free play);</td>
<td>(b) Offer a variety of activities to meet children’s needs, pursuant to WAC 170-300-0150. Weight #1</td>
</tr>
<tr>
<td>(b) General timelines for activities;</td>
<td>(ii) Staff initiated activity (organized play);</td>
<td></td>
</tr>
<tr>
<td>(c) Routine transportation times;</td>
<td>(iii) Individual choices for play;</td>
<td>(3) A daily activity schedule must be available for department review and include, when applicable:</td>
</tr>
<tr>
<td>(d) Meal service;</td>
<td>(iv) Creative expression;</td>
<td>(a) General timelines for activities that meeting the following requirements:</td>
</tr>
<tr>
<td>(e) Rest periods</td>
<td>(v) Group activity;</td>
<td>(i) Full-day programs must provide</td>
</tr>
<tr>
<td>(f) Outdoor times; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) If applicable, overnight care.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Evidence of daily activities may be shared or demonstrated through:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Display;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Writing; or</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NRM Draft Only (May 2017)
(c) A checklist.
WAC 170-296A-5125

(d) 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.

3) You must ensure the lesson plan, daily schedule of events, available toys and equipment contains a range of learning experiences to allow each child the opportunity to:

(a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;
(b) Develop socially, emotionally, intellectually, and physically;
(c) Learn about nutrition, health, and person safety; and
(d) Experiment, create, and explore.

4) Post the daily schedule and lesson plan in each room for easy reference by parents and by caregivers;

5) Keep the daily schedule of

children daily morning and afternoon active outdoor play time for not less than 60 minutes daily for infants and toddlers, and 90 minutes daily for children preschool age and older.

(ii) Part-day programs must provide a minimum of:

(A) 20 minutes of active outdoor play time for each 3 hours of programming for infants (as tolerated) and toddlers; and

(B) 30 minutes of active outdoor play time for each 3 hours of programming for children preschool age and older.

(b) Scheduled and consistent times for meal service;
(c) Routine transportation times;
(d) Rest periods; and
(e) Overnight care.

Weight #1
<table>
<thead>
<tr>
<th><strong>Standards Alignment – Interactions and Curriculum</strong></th>
</tr>
</thead>
</table>
| **Justification:**
170-300-0360, Program and daily activity schedule is proposed to be amended in three ways. First, the schedule should address the cultural and individual needs of children. This revision incorporates vital feedback from community and stakeholders to ensure that cultural responsiveness and meeting specific needs of children is clearly articulated to support and encourage a variety of care in the environment. Second, the schedule must be specific by age group of children. Third, active outdoor play is specified by length of program day.

In *Caring for Our Children, 3rd Edition*, STANDARD 2.1.1.1: Written Daily Activity Plan and Statement of Principles, provides the basis for these changes. The first change, that relates to the schedule meeting the individual needs of children, is based on the following: “Facilities should have a written comprehensive and coordinated planned program of daily activities based on a statement of principles for the facility and each child’s individual development, as well as appropriate activities for groups of children at each stage of early childhood. The objective of the program of daily activities should be to foster incremental developmental progress in a healthy and safe environment and should be flexible to capture the interests of the children and the individual abilities of the children.” Subsequent standards, at 2.1.2, 2.1.3 and 2.1.4 differentiate program activities by the age of the child, providing the support for an age-specific schedule.

Appendix S of *Caring for Our Children, 3rd Edition* covers the need to provide children with physical activity over the course of the

---

| events and lesson plans for the past six months on site for Inspection; (8) Ensure the center’s program affords the child daily opportunities for small and large muscle activities, outdoor play, and exposure to language development and books, and (9) Afford staff classroom planning time 170-295-2130 Do I need an outdoor play area? (2) If you provide full-time care, the activity schedule must provide the child daily morning and afternoon outdoor play. | **170-300-0360,** Program and daily activity schedule is proposed to be amended in three ways. First, the schedule should address the cultural and individual needs of children. This revision incorporates vital feedback from community and stakeholders to ensure that cultural responsiveness and meeting specific needs of children is clearly articulated to support and encourage a variety of care in the environment. Second, the schedule must be specific by age group of children. Third, active outdoor play is specified by length of program day.

In *Caring for Our Children, 3rd Edition*, STANDARD 2.1.1.1: Written Daily Activity Plan and Statement of Principles, provides the basis for these changes. The first change, that relates to the schedule meeting the individual needs of children, is based on the following: “Facilities should have a written comprehensive and coordinated planned program of daily activities based on a statement of principles for the facility and each child’s individual development, as well as appropriate activities for groups of children at each stage of early childhood. The objective of the program of daily activities should be to foster incremental developmental progress in a healthy and safe environment and should be flexible to capture the interests of the children and the individual abilities of the children.” Subsequent standards, at 2.1.2, 2.1.3 and 2.1.4 differentiate program activities by the age of the child, providing the support for an age-specific schedule.

Appendix S of *Caring for Our Children, 3rd Edition* covers the need to provide children with physical activity over the course of the
Standards Alignment – Interactions and Curriculum

day, as reflected in the proposal. STANDARD 3.1.3.2: Playing Outdoors provides that “children should play outdoors when the conditions do not pose a safety risk, individual child health risk, or significant health risk of frostbite or of heat related illness.” The rationale for provision of outdoor play includes “Outdoor play is not only an opportunity for learning in a different environment; it also provides many health benefits. Outdoor play allows for physical activity that supports maintenance of a healthy weight (2). Short exposure of the skin to sunlight promotes the production of vitamin D that growing children require. Open spaces in outdoor areas, even those confined to screened rooftops in urban play spaces, encourage children to develop gross motor skills and fine motor play in ways that are difficult to duplicate indoors.” Standard 3.1.3.2, rationale.

More specifically, Caring for Our Children, 3rd Edition STANDARD 3.1.3.1: Active Opportunities for Physical Activity indicates the need for “children’s active play every day. Children should have ample opportunity to do moderate to vigorous activities such as running, climbing, dancing, skipping, and jumping. All children, birth to six years, should participate daily in: […] Two to three occasions of active play outdoors, weather permitting (see Standard 3.1.3.2: Playing Outdoors for appropriate weather conditions).” There are recommended times for play, as noted below, which the Department has proposed to be adjusted based on the nature of the program (full versus part-time). Caring for Our Children, 3rd Edition, notes, at STANDARD 3.1.3.1: Active Opportunities for Physical Activity the following that forms the basis for the revised regulatory proposal: “The total time allotted for outdoor play and moderate to vigorous indoor or outdoor physical activity can be adjusted for the age group and weather conditions. a) Outdoor play: 1) Infants (birth to twelve months of age) should be taken outside two to three times per day, as tolerated. There is no recommended duration of infants’ outdoor play; 2) Toddlers (twelve months to three years) and preschoolers (three to six years) should be allowed sixty to ninety total minutes of outdoor play. These outdoor times can be curtailed somewhat during adverse weather conditions in which children may still play safely outdoors for shorter periods, but should increase the time of indoor activity, so the total amount of exercise should remain the same; b) Total time allotted for moderate to vigorous activities: 1) Toddlers should be allowed sixty to ninety minutes per eight-hour day for moderate to vigorous physical activity, including running; 2) Preschoolers should be allowed ninety to one hundred and twenty minutes per eight-hour day.”

This proposed regulation is also consistent with the Washington State Early Learning and Development Guidelines Birth through 3rd Grade 2012 which includes many references to activities and outdoor play. The guidelines encourage caregivers to “make outdoor exploration part of your child’s routine.” Caregivers can provide safe and creative activities to help children learn through play and movement. By learning early the importance of daily activity, children will reap benefits in their healthy development.