

On May 9, 2018, DEL filed proposed rule language without weights. DEL expects to conduct a weight validation study after the rules take effect. Following the study, the aligned rules will be amended to include weights.

ENVIRONMENT

Space and Furnishings

NEW SECTION

WAC 170-300-0130 Indoor early learning program space. (1) Indoor early learning program space must be accessible during program operating hours. **Weight #4**

(2) Early learning program space, ramps, and handrails must comply with, be accessible to, and accommodate children and adults with disabilities as required by the Washington law against discrimination (chapter 49.60 RCW) and the ADA, as now and hereafter amended. **Weight #2**

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

(4) A family home licensee must provide a signed and dated declaration form annually stating that the early learning program meets the following requirements, as applicable, in unlicensed space:

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

(b) Guns, weapons, or ammunition storage pursuant to WAC 170-300-0165 (2)(e);

(c) Medication storage pursuant to WAC 170-300-0215;

(d) Refrigerator or freezer pursuant to WAC 170-300-0165 (3)(d);

or

(e) Storage areas that contain chemicals, utility sinks, or wet mops pursuant to WAC 170-300-0260. **Weight #6**

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NEW SECTION

WAC 170-300-0135 Routine care, play, learning, relaxation, and comfort. (1) An early learning provider must have accessible and child-size furniture and equipment (or altered and adapted in a family home early learning program) in sufficient quantity for the number of children in care. Tables must not be bucket style. **Weight #4**

(2) Furniture and equipment must be:

(a) Maintained in a safe working condition;

(b) Developmentally and age appropriate;

(c) Visually inspected at least weekly for hazards, broken parts, or damage. All equipment with hazardous, broken parts, or damage must be repaired as soon as possible and must be inaccessible to children until repairs are made according to the manufacturer's instructions, if available;

(d) Arranged in a way that does not interfere with other play equipment;

(e) Installed and assembled according to manufacturer's specifications;

(f) Stored in a manner to prevent injury; and

(g) Accessible to the child's height so that he or she can find, use, and return materials independently. **Weight #5**

(3) An early learning provider must supply soft furnishings in licensed space accessible to children. Soft furnishings may include, but are not limited to, carpeted areas and area rugs, upholstered furniture, cushions or large floor pillows, and stuffed animals. **Weight #4**

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NEW SECTION

WAC 170-300-0140 Room arrangement, child-related displays, private space, and belongings. (1) Early learning materials and equipment must be visible, accessible to children in care, and must be arranged to promote and encourage independent access by children. **Weight #3**

(2) An early learning provider must display age and developmentally appropriate early learning materials. Materials must be located at enrolled children's eye level and related to current activities or curriculum. **Weight #2**

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

(a) Allow the provider to supervise children; and

(b) Include an area accessible to children who seek or need time alone or in small groups. **Weight #4**

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

(5) An early learning provider must supply individual storage space for each child's belongings while in attendance. At a minimum, the space must be:

(a) Accessible to the child; and

(b) Large enough and spaced sufficiently apart from other storage space to:

(i) Store the child's personal articles and clothing; and

(ii) Promote or encourage children to organize their possessions.

Weight #3

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

(a) Allow the provider to supervise or actively supervise the children, depending on the nature of the activities;

(b) Allow children to move freely; and

(c) Allow for different types of activities at the same time (for example: Blocks, puppets, language and literary materials, art materials, clay or play dough, music and movement, or dramatic play). **Weight**

#4

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NEW SECTION

WAC 170-300-0145 Outdoor early learning program space. (1) An early learning provider must visually inspect outdoor program space

and equipment daily to ensure outdoor areas and equipment are free of hazards. **Weight #6**

(2) Outdoor play space must contain a minimum of seventy-five square feet of licensed usable space per child accessing the play space at any given time. An early learning provider may develop an alternate plan if an early learning program does not have enough outdoor play space to accommodate all enrolled children at once (for example, rotating groups of children to play outdoors or using an off-site play area). The department must approve alternate plans to use off-site play spaces. **Weight #5**

(3) An early learning program must have shaded areas in outdoor play space provided by trees, buildings, or shade structures. **Weight #1**

(4) Outdoor play space must promote a variety of age and developmentally appropriate active play areas for children in care. Activities must encourage and promote both moderate and vigorous physical activity such as running, jumping, skipping, throwing, pedaling, pushing, pulling, kicking, and climbing. **Weight #1**

(5) When the licensed outdoor play space is not immediately adjacent to the early learning program site, an early learning provider

must use a safe route when moving to and from the licensed outdoor play space. **Weight #6**

(6) Licensed outdoor play areas must be enclosed with a fence or barrier that is intended to prevent children from exiting and discourages climbing. If the outdoor play area is enclosed by a barrier that is not a fence, the barrier may be a wall constructed with brick, stone, or a similar material. **Weight #7**

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

(8) Fences, barriers, and gates must be in good condition, have no gap through which a sphere with a diameter of three and one-half inches can pass, and have a minimum height of forty-eight inches or conform in height to applicable local codes. **Weight #6**

(9) The opening between a fence post and gate or fence post and building must have no gap through which a sphere with a diameter of three and one-half inches can pass. **Weight #6**

(10) An early learning provider must not install any wooden fence, playground structure, or furniture if it contains chromated copper arsenate (CCA), creosote or pentachlorophenol. If wooden fences, structures, and furniture are suspected of having CCA, they must be tested. If CCA is present, fences, structures, and furniture must

be removed or sealed with an oil-based outdoor sealant annually or as needed within six months of the date this section becomes effective.

Weight #6

(11) Within six months of the date this section becomes effective or prior to licensing, exiting mechanisms on gates from a licensed outdoor play area to unlicensed space must be equipped with a self-closing and self-latching mechanism (shuts automatically when released from an individual's control). A gate that is not an emergency exit must be locked or self-closing and self-latching. **Weight #6**

(12) Outdoor play areas must have two exits that must not be partially or entirely blocked, with at least one exit located away from the building. **Weight #5**

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NEW SECTION

WAC 170-300-0146 Equipment and surfaces in outdoor early learning space. (1) Playground equipment and surfacing used by an early learning provider must comply with applicable CPSC guidelines, as now and hereafter amended including, but not limited to, installing, arranging, designing, constructing, and maintaining outdoor play equipment and surfacing.

(a) Climbing play equipment must not be placed on or above concrete, asphalt, packed soil, lumber, or similar hard surfaces;

(b) The ground under swings and play equipment must be covered by a shock absorbing material (grass alone is not an acceptable) such as:

(i) Pea gravel at least nine inches deep;

(ii) Playground wood chips at least nine inches deep;

(iii) Shredded recycled rubber at least six inches deep; or

(iv) Any material that has a certificate of compliance, label, or documentation stating it meets ASTM standards F1292-13 and F2223-10, as now and hereafter amended. **Weight #6**

(2) Permanently anchored outdoor play equipment must not be placed over septic tank areas or drain fields, and must be installed according to the manufacturer's directions. **Weight #6**

(3) Handmade playground equipment must be maintained for safety or removed when no longer safe. Prior to construction of new handmade playground equipment, the provider must notify the department and have plans and a materials list available upon request. **Weight #6**

(4) Bouncing equipment including, but not limited to, trampolines, rebounders and inflatable equipment must be inaccessible and locked. This requirement does not apply to bounce balls designed to be used by individual children. **Weight #7**

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NEW SECTION

WAC 170-300-0147 Weather conditions and outdoor hazards. (1) An early learning provider must observe weather conditions and other possible hazards to take appropriate action for child health and safety. Conditions that pose a health or safety risk may include, but are not limited to:

(a) Heat in excess of 100 degrees Fahrenheit or pursuant to advice of the local authority;

(b) Cold less than 20 degrees Fahrenheit, or pursuant to advice of the local authority;

(c) Lightning storm, tornado, hurricane, or flooding if there is immediate or likely danger;

(d) Earthquake;

(e) Air quality emergency ordered by a local or state authority on air quality or public health;

(f) Lockdown notification ordered by a public safety authority;

and

(g) Other similar incidents. **Weight #7**

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

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ACTIVITIES

NEW SECTION

WAC 170-300-0150 Program and activities. (1) An early learning provider must supply children in care with early learning materials that are age and developmentally appropriate. For each age group of children in care, a provider must supply a variety of materials that satisfy individual, developmental, and cultural needs. Early learning materials must be:

(a) Clean; **Weight #4**

(b) Washable or disposable; **Weight #4**

(c) Accommodating to a range of abilities of children in care;

Weight #4

(d) Available to children in care appropriate to a child's age and developmental level; **Weight #4**

(e) Nonpoisonous and free of toxins. If an early learning provider is using prepackaged art materials, the materials must be labeled

"non-toxic" and meet ASTM standard D-4236 as described in 16 C.F.R. 1500.14(b)(8)(i), as now and hereafter amended; **Weight #6**

(f) In good and safe working condition; **Weight #6**

(g) Accommodating to special needs of children in care; and

(h) Removed from the early learning program space once an item has been recalled by CPSC. **Weight #6**

(2) An early learning provider must ensure a sufficient quantity and variety of materials to engage children in the early learning program (for example: Arts and crafts supplies, various textured materials, construction materials, manipulative materials, music and sound devices, books, and social living equipment). Materials must:

(a) Encourage both active physical play and quiet play activities;

(b) Promote imagination and creativity;

(c) Promote language development and literacy skills;

(d) Promote numeracy (counting and numbers) and spatial ability;

(e) Encourage discovery and exploration; and

(f) Promote learning skills. **Weight #4**

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NEW SECTION

WAC 170-300-0155 Use of television, video, and computers. If an early learning provider offers screen time to children in care:

(1) The screen time available for each child:

(a) Must be educational, developmentally and age appropriate, nonviolent, and culturally sensitive; **Weight #5** and

(b) Should be interactive with staff. **Weight NA**

(2) Children must not be required to participate in screen time activities. Alternative activities must be provided to children in care when screen time is offered. **Weight #4**

(3) Screen time must not occur during scheduled meals or snacks. **Weight #4**

(4) Total screen time must not exceed two and one-half hours per week for each child over twenty-four months of age through preschool in full-day care (one and one-quarter hours per child in half-day care). **Weight #4**

(5) For school-age children, screen time must be limited to two and one-half hours per week for each child unless computer use is required for homework or a part of curriculum. **Weight #4**

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

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NEW SECTION

WAC 170-300-0160 Promoting acceptance of diversity. (1) An early learning provider must provide culturally and racially diverse learning opportunities. Diverse learning opportunities must be demonstrated by the provider's curriculum, activities, and materials that represent all children, families, and staff. A provider must use equipment and materials that include, but are not limited to:

(a) Diverse dolls, books, pictures, games, or materials that do not reinforce stereotypes;

(b) Diverse music from many cultures in children's primary languages; and

(c) A balance of different ethnic and cultural groups, ages, abilities, family styles, and genders. **Weight #4**

(2) An early learning provider must intervene appropriately to stop biased behavior displayed by children or adults including, but not limited to:

(a) Redirecting an inappropriate conversation or behavior;

(b) Being aware of situations that may involve bias and responding appropriately; and

(c) Refusing to ignore bias. **Weight #6**

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SAFETY

NEW SECTION

WAC 170-300-0165 Safety requirements. (1) An early learning provider must keep indoor and outdoor early learning program space, materials, and equipment free from hazards and in safe working condition. Equipment and toys purchased and used must be compliant with CPSC guidelines or ASTM standards, as now and hereafter amended. Playground equipment and surfaces must meet the requirements of WAC 170-300-0146.

Weight NA

(2) An early learning provider must take steps to prevent hazards to children including, but not limited to:

(a) Making inaccessible to infants and toddlers any equipment, material, or objects that may pose a risk of choking, aspiration, or ingestion. For the purposes of this section, equipment, material, or

objects that have a diameter or overall dimension of one and three-quarter inches or less shall be considered items that may pose a risk of choking, aspiration, or ingestion. Small parts from larger equipment, material, or objects that have a diameter or overall dimension of one and three-quarter inches or less, that may become detached from the larger equipment, materials, or object shall also be considered items that may pose a risk of choking, aspiration, or ingestion;

Weight #6

(b) Eliminating and not using in the licensed space, pursuant to RCW 43.216.380, any window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing risk of strangulation to children.

(i) Window blinds and other window coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are allowed; and

(ii) A window covering must not be secured to the frame of a window or door used as an emergency exit in a way that would prevent the window or door from opening easily. **Weight #7**

(c) Making inaccessible to children straps, strings, cords, wires, or similar items capable of forming a loop around a child's

neck that are not used during supervised early learning program activities; **Weight #5**

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

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

(f) Preventing children from walking into or through a glass door, window, or other glass barrier, by placing stickers or art work at the children's eye level on the glass; **Weight #3** and

(g) Cribs, play pens, bassinets, infant beds, and indoor climbing structures must not be placed next to windows, to prevent harm from shattered glass, unless the window is made of safety glass. **Weight #6**

(3) An early learning provider must take measures intended to prevent other hazards to children in care in early learning program space including, but not limited to:

(a) **Cuts, abrasions, and punctures.** Equipment, materials, and other objects on the premises that have splintered edges, sharp edges, points, protruding nails, bolts, or other dangers must be repaired, removed, or made inaccessible to children; **Weight #5**

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

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

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

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

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

(g) **Equipment in poor condition.** Equipment in poor condition (loose parts, rusty parts, flaking paint, or other dangers) must be repaired, removed, or made inaccessible to children. **Weight #4**

(4) To ensure a safe environment for children in care, an early learning provider must comply with the following requirements:

(a) **Indoor temperatures for the premises.** The temperature of indoor early learning licensed space must be between 65 and 82 degrees Fahrenheit. If indoor licensed space is colder than 65 or hotter than 82 degrees Fahrenheit, an early learning provider must use climate control devices that are inaccessible to children to bring the temperature within the required range; **Weight #4**

(b) **Window openings.** Windows within the reach of children must only open up to three and one-half inches or have some barrier or preventative measure to discourage children from exiting through the window. The three and one-half inch opening does not apply to exit windows in family home early learning programs; **Weight #5**

(c) **Licensed space lighting.** Early learning program space must have natural or artificial light that provides appropriate illumination for early learning program activities and supervision. A provider must comply with all light fixture manufacturers' installation and use

requirements. A provider must also ensure compliance with the following requirements:

(i) Light fixtures must have shatter-resistant covers or light bulbs;

(ii) Lights or light fixtures used indoors must be designed for indoor use only;

(iii) Free standing lamps must be attached or secured to prevent tipping; and

(iv) Halogen lamps and bulbs are prohibited. **Weight #5**

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

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

(f) **Stairway safety.**

(i) There must not be clutter or obstructions in the stairway;

(ii) All stairways (indoor and outdoor), not including play structures, must meet local building codes pursuant to RCW 43.216.340.

(A) Open stairways with no walls on either side must have handrails with slats (balusters) that prevent a child from falling off either side of the stairway.

(B) Stairways with a wall on only one side must have a handrail with slats (balusters) on the side without the wall that prevents a child from falling off the stairway.

(C) Stairways with a wall on both sides must have a handrail no higher than thirty-eight inches on at least one side of the stairway.

(iii) Stairways must have a pressure gate, safety gate or door to keep stairs inaccessible to infants and toddlers when not in use. Openings between slats on pressure or safety gates must not be large enough to allow a sphere that is three and one-half inches wide to pass through. **Weight #7**

(g) **Platforms and decks.** All platforms and decks used for child care activities must meet local building codes pursuant to RCW 43.216.340 within six months of the date this section becomes effective. This does not include play equipment. All platforms and decks with a drop zone of more than eighteen inches must have guardrails in sections without steps. **Weight #7**

(5) To ensure a safe environment for children in care, an early learning provider must comply with the following electrical requirements:

(a) In areas accessible to children, electrical outlets must have automatic shutters that only allow electrical plugs to be inserted

(tamper-resistant) or that are covered by blank plates or other tamper-resistant covers appropriate to the electrical outlet;

(b) Outlets near sinks, tubs, toilets, or other water sources must be inaccessible to children or be tamper-resistant and equipped with a ground fault circuit interrupter (GFCI) outlet type;

(c) Electrical cords must be in good working condition, not torn or frayed, and not have any exposed wires;

(d) Electrical cords must be plugged directly into a wall outlet or a surge protector;

(e) Power strips with surge protectors may be used but must not be accessible to children in care;

(f) Extension cords may only be used for a brief, temporary purpose and must not replace direct wiring; and

(g) Electrical devices accessible to children must not be plugged into an electrical outlet near a water source such as sink, tub, water table, or swimming pool. **Weight #7**

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NEW SECTION

WAC 170-300-0166 Emergency preparation and exiting. (1) To be properly prepared for an emergency, an early learning program must

have an emergency preparedness plan pursuant to WAC 170-300-0470.

Weight NA

(2) An early learning provider must have the following in case of an emergency:

(a) A working flashlight or other emergency lighting device must be available for use as an emergency light source. Battery powered flashlights must have an extra set of batteries easily available; and

(b) A working telephone must be available for use with sufficient backup power to function for at least five hours. Weight #6

(3) To ensure a safe exit from the premises during an emergency, the early learning provider must comply with the following requirements:

(a) Emergency exit doors must remain unlocked from the inside, but may be locked from the outside while the early learning program is open. The door handle must be of the type that can be opened from the inside without the use of a key, tools, or special knowledge, and must automatically unlock when the knob or handle is turned;

(b) Exit doors that are not designated as an emergency exit door may be locked during operating hours. Locking interior doors in early learning program space must be designed to be unlocked from either side. An unlocking device must be readily available;

(c) Exit doors must not be partially or entirely blocked; and

(d) Family home early learning programs must have at least one pivoting or side-hinged swinging exit door. Other exit doors may be sliding glass doors. **Weight #7**

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NEW SECTION

WAC 170-300-0170 Fire safety. (1) An early learning provider must comply with the state building code, as now and hereafter amended, pursuant to RCW 19.27.031. **Weight #7**

(2) An early learning provider must arrange for a fire safety inspection annually. A provider must arrange a fire safety inspection with a local government agency. If a local government agency is not available to conduct a fire safety inspection, a provider must inspect for fire safety using the state fire marshal form. **Weight #6**

(3) To ensure a safe environment for children in care, an early learning provider must comply with the following fire safety requirements:

(a) **Combustible materials.**

(i) Combustible materials must be properly discarded pursuant to local jurisdictions, removed from the premises, or properly stored in

closed metal containers specifically designed to hold such combustible materials;

(ii) Combustible materials stored in a closed metal container must not be stored in the premises licensed space or any place that may be accessible to children in care;

(iii) Combustible materials include, but are not limited to, lint, gasoline, natural gas, diesel, fuel, propane, rags soaked in combustible materials, oils, chemicals, or solvents.

(b) **Furnaces and other heating devices.**

(i) Paper, rubbish, or other combustible materials must be at least three feet from furnaces, fireplaces, or other heating devices;

(ii) Furnaces and other heating devices must be inaccessible to children in care; and

(iii) An appliance or heating device that has a surface capable of burning a child or reaching 110 degrees Fahrenheit must be inaccessible to children in care unless a program activity involves such an appliance or device and children are being actively supervised.

(c) **Electrical motors.** Electrical motor fans and appliances must be regularly cleaned to prevent accumulation of dust or lint.

(d) **Open flame devices, candles, matches and lighters.**

(i) Except for the use of a gas kitchen range, open flame devices must not be used in early learning program space or any other space accessible to children in care during operating hours;

(ii) Candles must not be used during operating hours;

(iii) Matches and lighters must be inaccessible to children.

(e) **Portable heaters and generators.** Portable heaters or fuel powered generators must not be used inside early learning program space during operating hours.

(i) In case of an emergency, a generator may be used but must be placed at least fifteen feet from buildings, windows, doors, ventilation intakes, or other places where exhaust fumes may be vented into the premises or early learning space; and

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

(f) **Fireplaces, woodstoves, or similar wood burning heating devices.** Chimneys, fireplaces, gas burning fireplaces, wood stoves or similar wood-burning devices must be inspected annually by a state or locally certified inspector, unless the provider submits to the department a written statement that the chimney, fireplace, wood stove or similar wood-burning device will not be used at any time.

(g) **Fire alarms and smoke and carbon monoxide detectors.**

(i) An early learning provider must have and maintain at least one smoke detector per licensed sleeping area and one per floor. Pursuant to the state building code, center early learning providers must comply with WAC 51-50-0907, as now and hereafter amended, and family early learning providers must comply with WAC 51-51-0314, as now and hereafter amended; and

(ii) An early learning provider must have and maintain carbon monoxide detectors. Pursuant to the state building code, center early learning providers must comply with WAC 51-50-0915, as now and hereafter amended, and family early learning providers must comply with WAC 51-51-0315, as now and hereafter amended.

(h) **Backup method to sound an alarm.** In addition to working smoke detectors, an early learning provider must have another method to alert all staff and enrolled children of a fire, emergency situation, or drill.

(i) **Extinguishers.** An early learning provider must have and maintain working fire extinguishers that are marked with a minimum rating of 2A:10 BC.

(i) Fire extinguishers must be located pursuant to the state building code chapter 51-54A WAC, as now and hereafter amended, and must be readily available for use in case of an emergency;

(ii) Fire extinguishers must be located on each level of the early learning program space used by children and mounted within seventy-five feet of an exit next to the path of the exit; and

(iii) If a fire extinguisher is mounted in a closet, there must be a sign indicating the location of the extinguisher and obstructions must not block access to the closet.

(j) **Monthly inspections.** An early learning provider must involve staff responsible for different groups of children or individual classrooms during monthly inspections. At least once per month, a provider must inspect the premises to identify possible fire hazards and eliminate any hazards found including, but not limited to:

(i) Fire extinguishers;

(ii) Smoke detectors;

(iii) Alternate alarms; and

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

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NEW SECTION

WAC 170-300-0175 Water hazards and swimming pools. To prevent injury or drowning and ensure the health and safety of children, an early learning provider must comply with the requirements described in this section.

(1) The following bodies of water must be inaccessible to children in care by using a physical barrier with a locking mechanism:

(a) Swimming pools when not being used as part of the early learning program, hot tubs, spas and jet tubs;

(b) Ponds, lakes, storm retention ponds, ditches, fountains, fish ponds, landscape pools or similar bodies of water; and

(c) Uncovered wells, septic tanks, wastewater, wastewater tanks, below grade storage tanks, farm manure ponds or other similar hazards.

Weight #8

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

(a) Comply with the supervision requirements of WAC 170-300-0350;

(b) Audible alarms must be on all doors, screens, and gates in licensed areas that lead to a swimming pool. The alarm must be suffi-

cient to warn staff when children enter the outdoor area and could access the swimming pool;

(c) Swimming pools must be maintained according to manufacturer specifications;

(d) Swimming pools must be cleaned and sanitized according to manufacturer instructions and department of health or local health jurisdiction guidelines;

(e) A swimming pool must not be used if the main drain cover is missing; and

(f) Children in diapers or toilet training must wear swim pants to lower the risk of contaminating the water. **Weight #8**

(3) Filtered wading pools must be inaccessible to children when not in use. Wading pools that do not have a filtering system are not permitted in the early learning program space. **Weight #7**

(4) For bodies of water not located in early learning program space, but that are in close proximity, a physical barrier on the property must make such bodies of water inaccessible to children in care. **Weight #8**

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

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

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FOOD AND NUTRITION

NEW SECTION

WAC 170-300-0180 Meal and snack schedule. (1) An early learning provider must serve meals and snacks to children in care as follows:

(a) Meals and snacks must be served not less than two hours and not more than three hours apart unless the child is asleep;

(b) Children in care for five to nine hours:

(i) At least one meal and two snacks; or

(ii) Two meals and one snack.

(c) Children in care for more than nine hours:

(i) Two meals and two snacks; or

(ii) Three snacks and one meal.

(d) After school snack, dinner, evening snack, and breakfast:

(i) A snack or meal must be provided to a child that arrives to the early learning program after school;

(ii) Dinner must be provided to children in nighttime care if a child is at an early learning program after his or her dinnertime, or has not had dinner;

(iii) An evening snack must be provided to children in nighttime care;

(iv) Breakfast must be provided to children in nighttime care if a child remains in care after the child's usual breakfast time; and

(v) A breakfast or morning snack must be available to children in care. **Weight #4**

(2) An early learning provider must offer children the opportunity for developmentally appropriate tooth brushing activities after each meal or snack.

(a) Tooth brushing activities must be safe, sanitary, and educational.

(b) Toothbrushes used in an early learning program must be stored in a manner that prevents cross contamination.

(c) The parent or guardian of a child may opt out of the daily tooth brushing activities by signing a written form. **Weight #1**

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NEW SECTION

WAC 170-300-0185 Menus, milk, and food. To ensure proper nutrition of children in care, an early learning provider must comply with the child nutrition requirements described in this section.

(1) Meals, snack foods, and beverages provided to children in care must comply with the requirements contained in the most current edition of the *USDA Child and Adult Care Food Program (CACFP) Handbook*, or the *USDA National School Lunch and School Breakfast Program* standards.

(a) An early learning provider must supply dated menus.

(b) Food and beverage substitutions to a scheduled menu must be of equal nutritional value.

(c) An early learning provider must only serve water, unflavored milk or one hundred percent fruit or vegetable juice.

(d) An early learning provider must limit the consumption of one hundred percent fruit juice to no more than four to six ounces per day for children between one and six years old, and eight to twelve ounces per day for children seven through twelve years old. **Weight #5**

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

Weight #5

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NEW SECTION

WAC 170-300-0186 Food allergies and special dietary needs. (1) An early learning provider must obtain written instructions (the individual care plan) from the child's health care provider and parent or guardian when caring for a child with a known food allergy or special dietary requirement due to a health condition. The individual care plan pursuant to WAC 170-300-0300 must:

(a) Identify foods that must not be consumed by the child and steps to take in the case of an unintended allergic reaction;

(b) Identify foods that can substitute for allergenic foods; and

(c) Provide a specific treatment plan for the early learning provider to follow in response to an allergic reaction. The specific treatment plan must include the:

(i) Names of all medication to be administered;

(ii) Directions for how to administer the medication;

(iii) Directions related to medication dosage amounts; and

(iv) Description of allergic reactions and symptoms associated with the child's particular allergies. **Weight #8**

(2) An early learning provider must arrange with the parents or guardians of a child in care to ensure the early learning program has the necessary medication, training, and equipment to properly manage a child's food allergies. **Weight #8**

(3) If a child suffers from an allergic reaction, the early learning provider must immediately:

(a) Administer medication pursuant to the instructions in that child's individual care plan;

(b) Contact 911 whenever epinephrine or other lifesaving medication has been administered; and

(c) Notify the parents or guardians of a child if it is suspected or appears that any of the following occurred, or is occurring:

(i) The child is having an allergic reaction; or

(ii) The child consumed or came in contact with a food identified by the parents or guardians that must not be consumed by the child, even if the child is not having or did not have an allergic reaction.

Weight #8

(4) Early learning providers must review each child's individual care plan information for food allergies prior to serving food to children. **Weight #7**

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NEW SECTION

WAC 170-300-0190 Parent or guardian provided food and written food plans. (1) A written food plan must be developed by the provider and a child's parent or guardian, signed by all parties, and followed when accommodating a child's:

- (a) Special feeding needs;
- (b) Special diets;
- (c) Religious or cultural preferences;
- (d) Family preference; or
- (e) Other needs. **Weight #3**

(2) An early learning provider may allow or require parents or guardians to bring food for their child. **Weight NA**

(3) If a parent or guardian provides meals for their child, an early learning provider must:

- (a) Notify the parent or guardian in writing of the USDA CACFP requirements for each meal; and

(b) Supplement a child's meal that does not satisfy USDA CACFP requirements if necessary. **Weight #5**

(4) On special occasions, such as birthdays, an early learning provider may allow parents or guardians to bring in snacks that may not satisfy the nutritional requirements for all children. The snacks provided must be limited to:

(a) Store purchased fruits and vegetables (uncut);

(b) Foods prepackaged in the original manufacturer containers; or

(c) Snacks prepared, cooked, or baked at home by parents or guardians of a child in care. Prior to serving, an early learning provider must receive written permission from each child's parent or guardian stating their child may consume food prepared, cooked, or baked by another child's parent or guardian. **Weight #4**

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NEW SECTION

WAC 170-300-0195 Food service, equipment, and practices. (1) An early learning provider preparing or serving food must comply with the current department of health *Washington State Food and Beverage Workers' Manual* and supervise services that prepare or deliver food to the early learning program. **Weight #5**

(2) Snacks and meals must be prepared and served by an early learning provider who possesses a valid and current food worker card pursuant to WAC 170-300-0106(13), unless the food is provided pursuant to WAC 170-300-0196(3). **Weight NA**

(3) An early learning provider must:

(a) Supply durable and developmentally appropriate individual eating and drinking equipment, or developmentally appropriate single use disposable items;

(b) Clean and sanitize eating and drinking equipment after each use. Water cups or bottles must be cleaned and sanitized daily if designated for a single child;

(c) Ensure plastic eating and drinking equipment does not contain BPA (a chemical used in hard plastic bottles and as a protective lining in food and beverage cans) or have cracks or chips;

(d) Use gloves, utensils, or tongs to serve food;

(e) Serve meals or snacks on plates, dishware, containers, trays, or napkins or paper towels, if appropriate. Food should not be served directly on the eating surface; and

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

#5

(4) An early learning provider must:

(a) Serve each child individually or serve family style dining, allowing each child the opportunity to practice skills such as passing shared serving bowls and serving themselves; and

(b) Sit with children during meals. **Weight #3**

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NEW SECTION

WAC 170-300-0196 Food sources. (1) Food prepared and served from an early learning program must not be tampered with or spoiled. **Weight #8**

(2) Food prepared and served from an early learning program must be obtained from an approved source licensed and inspected by the local health jurisdiction, the Washington state department of agriculture (WSDA), or the USDA. Food items not approved to be served to children in care include:

(a) Meat, fish, poultry, eggs, or milk that has not been inspected by the USDA or WSDA;

(b) Home canned food;

(c) Game meat or other meat that has not been inspected by the WSDA or USDA;

(d) Leftover food that was previously served from outside of the early learning program; or

(e) Food from roadside stands selling without a permit. **Weight #6**

(3) Food not prepared on-site by an early learning provider, pursuant to WAC 170-300-0195(2), must be provided by:

(a) A licensed food service establishment, kitchen, or catering business that meets department of health food service requirements (chapter 246-215 WAC, as now and hereafter amended) and is regularly inspected by a local health jurisdiction;

(b) A parent or guardian for his or her own children; or

(c) A manufacturer of prepackaged food. **Weight #6**

(4) Fruits and vegetables (produce) grown on-site in a garden as part of an early learning program may be served to children as part of a meal or snack. Prior to preparing and serving:

(a) The produce must be thoroughly washed and scrubbed in running cold water to remove soil and other contaminants;

(b) Damaged or bruised areas on the produce must be removed; and

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

#3

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NEW SECTION

WAC 170-300-0197 Safe food practices. (1) Early learning providers must wash their hands, pursuant to WAC 170-300-0200. **Weight NA**

(2) Early learning providers must store, prepare, cook, hold food, and wash dishes, pursuant to WAC 170-300-0195. **Weight NA**

(3) For all foods offered by the provider or given to an enrolled child by a parent or guardian, the provider must:

(a) Provide appropriate refrigeration to preserve foods from spoiling. Foods that may be subject to spoiling include, but are not limited to, meats, cooked potatoes, cooked legumes, cooked rice, sprouts, cut melons, cut cantaloupes, milk, and cheese; and

(b) Refrigerate foods requiring refrigeration at 41 degrees Fahrenheit or less and freeze foods required to be frozen at 10 degrees Fahrenheit or less. **Weight #7**

(4) Food must be stored as follows:

(a) In original containers or in clean, labeled, dated, and airtight food grade containers, if appropriate;

(b) Food not required to be refrigerated or frozen must not be stored directly on the floor;

(c) In a manner that prevents contamination;

(d) Food and food service items (such as utensils, napkins, and dishes) must not be stored in an area with toxic materials (such as cleaning supplies, paint, or pesticides);

(e) Food that is past the manufacturer's expiration or "best served by" date must not be served to enrolled children; and

(f) Raw meat must be stored in the refrigerator or freezer below cooked or ready to eat foods. **Weight #7**

(5) For food requiring temperature control, a center early learning program must maintain a food temperature log by using a calibrated and working metal stem-type or digital food thermometer. **Weight #5**

(6) Prior to storing leftover food in a refrigerator or freezer, an early learning provider must label the food with the date the leftover food was opened or cooked. **Weight #6**

(7) An early learning provider may serve leftover food that originated from the early learning program if the leftover food was not previously served and:

(a) Refrigerated leftover food must be stored and then served again within forty-eight hours of originally being prepared; or

(b) Frozen leftover food must be promptly served after thawing and being cooked. **Weight #5**

(8) Frozen food must be thawed by one of the following methods:

(a) In a refrigerator;

(b) Under cool running water inside a pan placed in a sink with the drain plug removed; or

(c) In a microwave if the food is to be cooked as part of the continuous cooking process. **Weight #6**

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NEW SECTION

WAC 170-300-0198 Food preparation areas. (1) An early learning provider or staff must clean and sanitize food preparation areas and eating surfaces before and after each use, pursuant to WAC 170-300-0241 (1)(a). **Weight NA**

(2) In an early learning program's food preparation area, kitchens must:

(a) Have walls, counter tops, floors, cabinets, and shelves that are:

(i) Maintained in good repair including, but not limited to, being properly sealed without chips, cracks, or tears; and

(ii) Moisture resistant.

(b) Have a properly maintained and vented range hood, exhaust fan, or operable window; and

(c) Have a properly maintained and working refrigerator, freezer, or a combination refrigerator and freezer with sufficient space for proper storage and cooling of food. **Weight #6**

(3) An early learning provider must:

(a) Have at least eight feet between the food preparation area and any diaper changing tables or counters and sinks used for diaper changing;

(b) Clean and sanitize a sink immediately before using it to prepare food to be served to children in care;

(c) Use a colander or other method to prevent food and kitchen utensils from touching the sink basin; and

(d) Clean dishes, pans, baby bottles, and kitchen utensils as follows:

(i) Cleaning and sanitizing with an automatic dishwasher that uses heat or chemicals to sanitize; or

(ii) Handwashing, rinsing, sanitizing, and allowing to air dry.

Weight #6

(4) Center early learning programs licensed after the date this chapter becomes effective must have:

(a) A handwashing sink separate from dishwashing facilities;

(b) A food preparation sink located in the food preparation area;
and

(c) A method to clean and sanitize dishes, pans, kitchen utensils, and equipment in the food preparation area using:

(i) A two-compartment sink and an automatic dishwasher that sanitizes with heat or chemicals; or

(ii) A three-compartment sink method (sink one is used to wash, sink two is used to rinse, sink three contains a sanitizer, and the dishes are allowed to air dry). **Weight #6**

(5) An early learning provider may use the kitchen for actively supervised cooking or food preparation activities with children in care. **Weight NA**

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HEALTH PRACTICES

NEW SECTION

WAC 170-300-0200 Handwashing and hand sanitizer. (1) Early learning providers must comply with the following handwashing procedures or those defined by the United States Center for Disease Control and Prevention, and children should strongly be encouraged to:

- (a) Wet hands with warm water;
- (b) Apply soap to the hands;
- (c) Rub hands together to wash for at least twenty seconds;
- (d) Thoroughly rinse hands with water;
- (e) Dry hands with a paper towel, single-use cloth towel, or air

hand dryer;

(f) Turn water faucet off using a paper towel or single-use cloth towel unless it turns off automatically; and

(g) Properly discard paper single-use cloth towels after each use. **Weight #6**

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

(3) To prevent children from being burned, air hand dryers must have a heat guard (barrier that prevents user from touching heating element) and turn off automatically. **Weight #6**

(4) Early learning providers must wash their hands following the handwashing procedures listed above:

- (a) When arriving at work;
- (b) After toileting a child;

(c) Before and after diapering a child (use a wet wipe in place of handwashing during the middle of diapering if needed);

(d) After personal toileting;

(e) After attending to an ill child;

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

(g) Before preparing bottles;

(h) After handling raw or undercooked meat, poultry, or fish;

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

(j) After handling or feeding animals, handling an animal's toys or equipment, or cleaning up after animals;

(k) After handling bodily fluids;

(l) After using tobacco or vapor products;

(m) After being outdoors;

(n) After gardening activities;

(o) After handling garbage and garbage receptacles; and

(p) As needed or required by the circumstances. **Weight #7**

(5) Early learning providers must direct, assist, teach, and coach, children to wash their hands, using the steps listed above:

(a) When arriving at the early learning premises;

(b) After using the toilet;

(c) After diapering;

(d) After outdoor play;

(e) After gardening activities;

(f) After playing with animals;

(g) After touching body fluids such as blood or after nose blowing or sneezing;

(h) Before and after eating or participating in food activities including table setting; and

(i) As needed or required by the circumstances. **Weight #7**

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

(a) When proper handwashing facilities are not available; and

(b) Hands are not visibly soiled or dirty. **Weight NA**

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

(a) Hand sanitizer must not be used in place of proper handwashing.

(b) An alcohol-based hand sanitizer must contain sixty to ninety percent alcohol to be effective. **Weight #7**

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NEW SECTION

WAC 170-300-0205 Child, staff, and household member illness. (1)

An early learning provider must observe all children for signs of illness when they arrive at the early learning program and throughout the day. Parents or guardians of a child should be notified, as soon as possible, if the child develops signs or symptoms of illness. **Weight NA**

(2) If an early learning provider becomes ill, a licensee, center director, assistant director, or program supervisor must determine whether that person should be required to leave the licensed early learning space. **Weight NA**

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

(4) An ill child must be sent home or reasonably separated from other children if:

(a) The illness or condition prevents the child from participating in normal activities;

(b) The illness or condition requires more care and attention than the early learning provider can give;

(c) The required amount of care for the ill child compromises or places at risk the health and safety of other children in care; or

(d) There is a risk that the child's illness or condition will spread to other children or individuals. **Weight #6**

(5) Unless covered by an individual care plan or protected by the ADA, an ill child, staff member, or other individual must be sent home or isolated from children in care if he or she has:

(a) A fever 101 degrees Fahrenheit for children over two months (or 100.4 degrees Fahrenheit for an infant younger than two months) by any method, and behavior change or other signs and symptoms of illness (including sore throat, earache, headache, rash, vomiting, diarrhea);

(b) Vomiting two or more times in the previous twenty-four hours;

(c) Diarrhea where stool frequency exceeds two stools above normal per twenty-four hours for that child or whose stool contains more than a drop of blood or mucus;

(d) A rash not associated with heat, diapering, or an allergic reaction;

(e) Open sores or wounds discharging bodily fluids that cannot be adequately covered with a waterproof dressing or mouth sores with drooling;

(f) Lice, ringworm, or scabies. Individuals with head lice, ringworm, or scabies must be excluded from the child care premises beginning from the end of the day the head lice or scabies was discovered. The provider may allow an individual with head lice or scabies to return to the premises after receiving the first treatment; or

(g) A child who appears severely ill, which may include lethargy, persistent crying, difficulty breathing, or a significant change in behavior or activity level indicative of illness. **Weight #7**

(6) At the first opportunity, but in no case longer than twenty-four hours of learning that an enrolled child, staff member, volunteer or household member has been diagnosed by a health care professional with a contagious disease listed in WAC 246-110-010(3), as now and hereafter amended, an early learning provider must provide written notice to the department, the local health jurisdiction, and the parents or guardians of the enrolled children. **Weight #7**

(7) An early learning provider must not take ear or rectal temperatures to determine a child's body temperature.

(a) Providers must use developmentally appropriate methods when taking infant or toddler temperatures (for example, digital forehead scan thermometers or underarm auxiliary methods);

(b) Oral temperatures may be taken for preschool through school-age children if single-use covers are used to prevent cross contamination; and

(c) Glass thermometers containing mercury must not be used.

Weight #6

(8) An early learning provider may readmit a child, staff member, volunteer or household member into the early learning program area with written permission of a health care provider or health jurisdiction stating the individual may safely return after being diagnosed with a contagious disease listed in WAC 246-110-010(3), as now and hereafter amended. **Weight #5**

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NEW SECTION

WAC 170-300-0210 Immunizations and exempt children. (1) Before attending an early learning program, a child must be vaccinated against or show proof of acquired immunity for the vaccine-preventable disease, pursuant to chapter 246-105 WAC, as now and hereafter amend-

ed. An early learning provider may accept children without proof of vaccinations or immunity as otherwise indicated in this section.

Weight NA

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

(a) A current and complete department of health certificate of immunization status (CIS) or certificate of exemption (COE) or other department of health approved form, pursuant to WAC 246-105-050, as now and hereafter amended; or

(b) A current immunization record from the Washington state immunization information system (WA IIS). Weight #3

(3) To accept a child who is not current with their immunizations, an early learning provider must give written notice to that child's parent or guardian stating the child may be accepted if the immunizations are completed as soon as possible and:

(a) Prior to enrollment the parent or guardian provides written proof the child is scheduled to be immunized; or

(b) The parent or guardian provides a signed and dated statement detailing when the child's immunizations will be brought up to date.

Weight #3

(4) An early learning provider must maintain and update each child's records relating to immunizations or exemptions, or plans to bring immunizations current. These records must be available in the licensed space or easily accessible for review by department licensors, health specialists, and health consultants. **Weight NA**

(5) An early learning provider may accept homeless or foster children into care without the records listed in this section if the child's family, case worker, or health care provider offers written proof that he or she is in the process of obtaining the child's immunization records. **Weight #3**

(6) An early learning provider may exclude a child from care according to the criteria listed in WAC 246-105-080, as now and hereafter amended. **Weight NA**

(7) If an outbreak of a vaccine-preventable disease occurs within an early learning program, an early learning provider must notify the parents or guardians of children exempt from immunization for that disease and children without vaccination documents. A provider may exclude the child from the child care premises for the duration of the outbreak of that vaccine-preventable disease. **Weight #7**

(8) An early learning provider may have a written policy stating children exempted from immunization by their parent or guardian will

not be accepted into care unless that exemption is due to an illness protected by the ADA or WLAD or by a completed and signed COE. **Weight**

NA

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NEW SECTION

WAC 170-300-0215 Medication. (1) Managing medication. A medication management policy must include, but is not limited to, safe medication storage, reasonable accommodations for giving medication, mandatory medication documentation, and forms pursuant to WAC 170-300-0500. **Weight NA**

(2) **Medication training.** An early learning provider must not give medication to a child if the provider has not successfully completed:

(a) An orientation about the early learning program's medication policies and procedures;

(b) The department standardized training course in medication administration that includes a competency assessment pursuant to WAC 170-300-0106(10) or equivalent training; and

(c) If applicable, a training from a child's parents or guardian (or an appointed designee) for special medical procedures that are part of a child's individual care plan. This training must be docu-

mented and signed by the provider and the child's parent or guardian (or designee). **Weight #6**

(3) **Medication administration.** An early learning provider must not give medication to any child without written and signed consent from that child's parent or guardian, must administer medication pursuant to directions on the medication label, and using appropriate cleaned and sanitized medication measuring devices. **Weight #8**

(a) An early learning provider must administer medication to children in care as follows:

(i) **Prescription medication.** Prescription medication must only be given to the child named on the prescription. Prescription medication must be prescribed by a health care professional with prescriptive authority for a specific child. Prescription medication must be accompanied with medication authorization form that has the medical need and the possible side effects of the medication. Prescription medication must be labeled with:

(A) A child's first and last name;

(B) The date the prescription was filled;

(C) The name and contact information of the prescribing health professional;

(D) The expiration date, dosage amount, and length of time to give the medication; and

(E) Instructions for administration and storage. **Weight #7**

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

(A) Nonprescription (over-the-counter) medication needs to be labeled with child's first and last name and accompanied with medication authorization form that has the expiration date, medical need, dosage amount, age, and length of time to give the medication. Early learning providers must follow the instructions on the label or the parent must provide a medical professional's note; and

(B) Nonprescription medication must only be given to the child named on the label provided by the parent or guardian. **Weight #7**

(iii) **Other nonprescription medication:** An early learning provider must receive written authorization from a child's parent or guardian and health care provider with prescriptive authority prior to administering if the item does not include age, expiration date, dosage amount, and length of time to give the medication:

(A) Vitamins;

(B) Herbal supplements;

(C) Fluoride supplements;

(D) Homeopathic or naturopathic medication; and

(E) Teething gel or tablets (amber bead necklaces are prohibited). **Weight #6**

(iv) **Nonmedical items.** A parent or guardian must annually authorize an early learning provider to administer the following nonmedical items:

(A) Diaper ointments (used as needed and according to manufacturer's instructions);

(B) Sunscreen;

(C) Lip balm or lotion;

(D) Hand sanitizers or hand wipes with alcohol, which may be used only for children over twenty-four months old; and

(E) Fluoride toothpaste for children two years old or older.

Weight #2

(v) An early learning provider may allow children to take his or her own medication with parent or guardian authorization. The early learning staff member must observe and document that the child took the medication. **Weight #7**

(vi) An early learning provider must not give or permit another to give any medication to a child for the purpose of sedating the

child unless the medication has been prescribed for a specific child for that particular purpose by a qualified health care professional.

Weight #8

(b) Medication documentation (excluding nonmedical items). An early learning provider must keep a current written medication log that includes:

(i) A child's first and last name;

(ii) The name of the medication that was given to the child;

(iii) The dose amount that was given to the child;

(iv) Notes about any side effects exhibited by the child;

(v) The date and time of each medication given or reasons that a particular medication was not given; and

(vi) The name and signature of the person that gave the medication. **Weight NA**

(c) Medication must be stored and maintained as directed on the packaging or prescription label, including applicable refrigeration requirements. An early learning provider must comply with the following additional medication storage requirements:

(i) Medication must be inaccessible to children;

(ii) Controlled substances must be locked in a container or cabinet which is inaccessible to children;

(iii) Medication must be kept away from food in a separate, sealed container; and

(iv) External medication (designed to be applied to the outside of the body) must be stored to provide separation from internal medication (designed to be swallowed or injected) to prevent cross contamination. **Weight #7**

(d) An early learning provider must return a child's unused medication to that child's parent or guardian. If this is not possible, a provider must follow the Food and Drug Administration (FDA) recommendations for medication disposal. **Weight #5**

(e) An early learning provider must not accept or give to a child homemade medication, such as diaper cream or sunscreen. **Weight #6**

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NEW SECTION

WAC 170-300-0220 Bathroom space and toilet training. (1) An early learning provider must provide at least one indoor bathroom in the licensed space that has the following:

(a) One working flush toilet.

(i) Toilets must be an appropriate height and size for enrolled children. A platform may be used to accommodate the height and size of

children. Platforms must be easily cleanable and resistant to moisture and slipping.

(ii) Center early learning programs licensed after this chapter becomes effective must have one working flush toilet for every fifteen children and staff. A child in diapers does not count for purposes of toilet calculations until the child begins toilet training.

(iii) Toilets for staff may be located outside of licensed space on the premises.

(b) One working sink and faucet.

(i) Sinks and faucets must be an appropriate height and size for children. A platform may be used to accommodate the height and size of children. Platforms must be easily cleanable and resistant to moisture and slipping.

(ii) A faucet used for handwashing must provide warm running water.

(iii) Sinks and faucets must be located inside the bathroom or immediately outside the bathroom.

(iv) Sinks and faucets for staff may be outside of licensed space on the early learning premises.

(v) Water controls on bathroom sinks must be accessible for the intended user.

(vi) Bathroom sinks must not be used as a drinking source or for food preparation.

(vii) Center early learning programs must have one working sink and faucet for every fifteen children and staff.

(c) A means of providing privacy for children who demonstrate the need for privacy while toileting;

(d) A toilet paper dispenser for each toilet that is appropriate for the height and size of children;

(e) An operable window or exhaust fan; and

(f) An easily cleanable floor.

(i) Floors must have a washable surface;

(ii) Be resistant to moisture; and

(iii) Cleaned and disinfected daily, or more often as needed.

Weight #6

(2) If an early learning program space is equipped with a bathtub or shower, the provider must:

(a) Only give a bath or shower to a child with consent from that child's parent or guardian;

(b) Only use the bath or shower:

(i) To clean a child after an accident, such as diarrhea or vomiting; or

(ii) During overnight care hours.

(c) Ensure the area around a bathtub or shower is resistant to slipping or equipped with a conveniently located grab bar; and

(d) Keep the bathtub or shower inaccessible to children when not in use by children (in center early learning programs only). **Weight #6**

(3) An early learning provider must discuss toilet training procedures with that child's parent or guardian when a child is ready for training. A provider must facilitate the toilet training process by encouraging the child with:

(a) Positive reinforcement (which may not include food items);

(b) Culturally sensitive methods;

(c) Developmentally appropriate methods; and

(d) A toilet training routine developed in agreement with the parent or guardian. **Weight #5**

(4) An early learning provider may use a modified toilet seat if it is cleaned and disinfected using a safe disinfectant at least daily or more often if soiled. **Weight #5**

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

(a) A family home early learning program may use a bathtub or multipurpose sink to clean toilet training equipment unless it is used for food preparation.

(b) The sink, basin, or bathtub in a family home early learning program used to clean toilet training equipment must be cleaned and disinfected after each use with a safe disinfectant. **Weight #6**

(6) If a child is developmentally ready, and an early learning provider uses a stand-up diapering procedure, it must be done in the bathroom or a diaper changing area. **Weight #5**

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NEW SECTION

WAC 170-300-0221 Diaper changing areas and disposal. (1) A center early learning provider must have a designated diaper changing area, including stand-up diapering, for each classroom or for every age grouping of children who require diapering. Only one diaper changing area is required at a family home early learning provider.

(a) A diaper changing area must:

(i) Be separate from areas where food is stored, prepared, or served;

(ii) Have a sink with hot and cold running water, not used for food preparation and clean up;

(iii) Have a sturdy surface or mat that:

(A) Is not torn or repaired with tape;

(B) Is washable;

(C) Has a moisture resistant surface that is cleanable; and

(D) Is large enough to prevent the area underneath the diaper changing area from being contaminated with bodily fluids.

(iv) Be on moisture resistant, washable material that horizontally or vertically surrounds and extends at least two feet from the diaper changing station and handwashing area; and

(v) Be uncluttered and not used for storage of any items not used in diapering a child. **Weight #6**

(b) An early learning provider must not leave a child unattended on the diaper changing surface or mat during the diaper changing process; **Weight #7**

(c) An early learning provider must not use safety belts on diaper changing tables because they are neither cleanable nor safe; **Weight #6** and

(d) An early learning provider must post an easily viewable diaper changing procedure at each station and must follow each step described in the procedure. **Weight NA**

(2) If an early learning provider uses a diaper changing station, the station must:

(a) Have a handwashing sink within arm's reach of, or be readily accessible to, an early learning provider to prevent cross contamination; and

(b) Be on moisture resistant, washable material that horizontally or vertically surrounds and extends at least two feet from the diaper changing station and handwashing area; and either:

(i) A table or counter large enough to accommodate the length of a child, with a protective barrier at least three and one-half inches high on all sides from the surface the child lays on; or

(ii) A wall mounted diaper changing station that meets manufacturer guidelines and specifications in addition to the requirements of this section. **Weight #5**

(3) If an early learning provider uses reusable or cloth diapers, the diapers must:

(a) Not be rinsed;

(b) Be placed in a securely sealed moisture impervious bag;

(c) Be stored in a separate disposal container; and

(d) Be delivered to a commercial laundry service or given to the child's parent or guardian at least daily. **Weight #6**

(4) An early learning provider must provide a container designated for disposing of soiled diapers and diapering supplies only. The diaper disposal container must be:

(a) Hands-free and covered with a lid to prevent cross contamination;

(b) Lined with a disposable plastic trash bag; and

(c) Within arm's length of the diaper changing area. **Weight #6**

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NEW SECTION

WAC 170-300-0225 Pets and animals. (1) An early learning provider may have pets or other animals on the early learning program premises.

Weight NA

(2) If an early learning provider keeps pets or animals on the early learning program premises:

(a) The provider must have and follow a pet and animal policy; and

(b) Provide written notice to children's parents and guardians.

Weight NA

(3) Pets or other animals that have contact with children must:

(a) Have all required vaccinations, pursuant to local and county regulations;

(b) Show no signs of illness, disease, worms, or parasites. If these symptoms appear, the pet or animal must be removed from the licensed space until appropriately treated for the condition; and

(c) Be nonaggressive. If the pet or animal exhibits aggressive behavior, the pet or animal must be removed from the licensed space.

Weight #7

(4) An early learning provider must:

(a) Make reptiles and amphibians that are not part of the early learning program or activities inaccessible to enrolled children due to the risk of salmonella or other diseases;

(b) Require that chickens, ducks, turkeys, doves, pigeons, or other birds are caged, cooped, or penned outside early learning program space when children are in care, at a distance that prevents children from having direct access to the enclosures or waste;

(c) Cage indoor birds;

(d) Prevent debris from spilling out of a container or cage used for pets and animals, if applicable;

(e) Not allow pets and animals in the kitchen during food preparation and ensure pets and animals do not come into contact with food, food preparation, or serving areas while food is served;

(f) Not use a sink that is used for cleaning food or utensils to clean pet supplies;

(g) Not allow animals in rooms or areas typically used by infants or toddlers (center early learning programs only); and

(h) Store pet and animal medication separate from human medication. **Weight #6**

(5) An early learning provider must require:

(a) Animals and pets to go to the bathroom outdoors if the animals do not have a designated indoor litter area. The designated outdoor area must be inaccessible to children in care;

(b) Pet containers and cages to be cleaned and disinfected at least weekly, or more often if needed;

(c) Litter boxes to be kept inaccessible to children and cleaned daily;

(d) Animal waste and litter to be disposed of as soon as possible and the area disinfected;

(e) Animal waste to be inaccessible to children;

(f) Animal waste to be disposed of in a manner that prevents children from coming into contact with the waste material;

(g) Animal waste, including fish tank water, must be disposed of in unlicensed space or toilets or custodial sinks. Toilets and custodial sink areas must be washed, rinsed, and disinfected after disposal; and

(h) Indoor and outdoor play space to be cleaned and disinfected where animal or bird waste or vomit is present. This must be done as soon as possible or prior to access by children. **Weight #6**

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NEW SECTION

WAC 170-300-0230 First-aid supplies. (1) An early learning provider must keep a complete first-aid kit in the licensed space, on any off-site trip, and in a vehicle used to transport children in care. A first-aid kit must:

(a) Be stored in a location that is easily accessible to staff;

(b) Be inaccessible to children;

(c) Be separate from food or chemicals;

(d) Be kept clean and sanitary;

(e) Be stored in a manner that prevents contamination; and

(f) Have sufficient supplies for the number of enrolled children and staff consistent with the early learning program's licensed capacity, or sufficient supplies for each room in the licensed space.

Weight #7

(2) A first-aid kit must include:

(a) Disposable nonporous protective nonlatex gloves;

(b) Adhesive bandages of various sizes;

(c) Small scissors;

(d) Tweezers;

(e) An elastic wrapping bandage;

(f) Sterile gauze pads;

(g) Ice packs;

(h) A disposable or mercury free thermometer that uses disposable sleeves, or is cleaned and sanitized after each use;

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

(j) Adhesive tape;

(k) A CPR barrier with a one-way valve or both an adult and pediatric CPR mask with a one-way valve;

(l) A current first-aid manual; and

(m) Hand sanitizer (for adult use only). **Weight #1**

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NEW SECTION

WAC 170-300-0236 Safe drinking water. (1) An early learning program's drinking water must:

(a) Be offered multiple times throughout the day and be readily available to children at all times;

(b) Be offered in outdoor play areas, in each classroom for centers, and in the licensed space for family homes;

(c) Be served in a manner that prevents contamination;

(d) Not be obtained from a handwashing sink used with toileting or diapering; and

(e) Be served fresh daily or more often as needed. **Weight #6**

(2) Drinking fountains at an early learning program must:

(a) Not be attached to handwashing sinks or disabled;

(b) Not be located in bathrooms;

(c) Not be a "bubble type" fountain (the water flow must form an arch);

(d) Be cleaned and sanitized daily, or more often as needed; and

(e) Be located above water impervious flooring. **Weight #6**

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CLEANING AND SANITATION

NEW SECTION

WAC 170-300-0240 Clean and healthy environment. (1) Early learning program premises and program equipment must be clean and sanitary.

Weight NA

(2) Hard surfaces in early learning programs including, but not limited to, floors (excluding carpet), walls, counters, bookshelves, and tables must be smooth and easily cleanable.

(a) A cleanable surface must be:

(i) Designed to be cleaned frequently and made of sealed wood, linoleum, tile, plastic, or other solid surface materials;

(ii) Moisture resistant; and

(iii) Free of chips, cracks, and tears.

(b) An early learning provider must have at least twenty-four inches of moisture resistant and cleanable material or barrier around sinks, drinking fountains, and toilets.

(c) An early learning provider must clean all surfaces before sanitizing or disinfecting. Surfaces must be cleaned with a soap and water solution or spray cleaner and rinsed. If using a spray cleaner, directions on the label must be followed.

(d) Aerosol sprays and air fresheners must not be used during child care hours.

(e) If a bleach solution is used for sanitizing or disinfecting, an early learning provider must use one that is fragrance-free and follow department of health's current guidelines for mixing bleach solutions for child care and similar environments.

(f) If an early learning provider uses a product other than bleach, including wipes, to sanitize or disinfect, the product must be:

(i) Approved by the department prior to use;

(ii) Used by trained staff only;

(iii) Registered with the EPA and have safety data sheets (SDSs) available;

(iv) Used in accordance with the manufacturer's label, which must include:

(A) Directions for use;

(B) A description of the safety precautions, procedures, and equipment that must be used for mixing the substitute product concentration, if applicable;

(C) A description of the safety precautions and procedures if the substitute product contacts skin or is inhaled, if applicable; and

(D) A description of the procedures and safety precautions for rinsing cleaned areas and cleaning equipment, if applicable.

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

(A) Food contact surfaces; or

(B) Items such as eating utensils or toys used by the child or put into the child's mouth; and

(vi) Fragrance-free. **Weight #6**

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NEW SECTION

WAC 170-300-0241 Cleaning schedules. (1) An early learning provider must develop and follow a cleaning schedule that includes:

(a) Food preparation areas, tables and chairs, high chairs, and food service counters, which must be cleaned and sanitized before and after each meal and snack with single use paper towels or one-time use wiping cloths;

(b) Eating utensils, bottles, drinking equipment, and dishes, which must be cleaned and sanitized after each use;

(c) Pacifiers, which:

(i) Must be cleaned and sanitized after each use by washing and boiling the pacifier or washing the pacifier in the dishwasher; or

(ii) May be reused by an individual child if they have been rinsed after each use and stored in a device or container that prevents contamination. Both the pacifier and the storage device or container must be cleaned and sanitized daily;

(d) Appliances used to prepare food, which must be cleaned after each use and sanitized daily or more often as needed;

(e) Refrigerators and freezers, which must be cleaned and sanitized monthly or more often as needed;

(f) Toys, which must be cleaned and sanitized as follows:

(i) Infant and toddler toys must be cleaned and sanitized at least daily or more often as needed;

(ii) All other toys must be cleaned and sanitized weekly or more often as needed; and

(iii) When a toy comes into contact with a child's mouth or bodily fluids it must be removed from use until it can be cleaned and sanitized prior to reuse; and

(g) Furniture and equipment, which must be cleaned monthly or more often as needed. **Weight #6**

(2) Machine washable clothes provided by the early learning program must be laundered as needed. **Weight #4**

(3) Sleeping equipment must be:

(a) Cleaned and sanitized after each use if used by more than one child; or

(b) Cleaned and sanitized weekly or more often as needed if assigned to only one child. **Weight #5**

(4) Bedding must be:

(a) Laundered and sanitized after each use if used by more than one child; or

(b) Laundered and sanitized weekly or more often as needed if assigned to only one child. **Weight #5**

(5) Sinks that are not used for handwashing after toileting, diapering, or food preparation must be cleaned and sanitized daily or more often as needed. **Weight #5**

(6) Toileting and diaper changing areas including, but not limited to, toilets, counters, sinks, and floors must be cleaned and disinfected daily or more often as needed. **Weight #6**

(7) Diaper changing tables and changing pads must be cleaned and disinfected between children, even if using a nonabsorbent covering that is discarded after each use. **Weight #7**

(8) Garbage cans and receptacles must be emptied on a daily basis and cleaned and disinfected as needed. **Weight #6**

(9) Diaper receptacles must be emptied, cleaned, and disinfected daily or more often as needed. Contents of a diaper receptacle must be removed from the licensed space, and replaced with a new liner at least daily or more often if odor is present. **Weight #6**

(10) Floors must be cleaned by either sweeping or vacuuming at least once per day or more often as needed. Moisture resistant flooring must be cleaned and sanitized at least once per day or more often as needed. **Weight #5**

(11) Large area rugs or installed carpet must be cleaned at least once every six months, or when visible dirt or stains are present, using a carpet shampoo machine, steam cleaner, or other method that minimizes the exposure of children in care to pathogens and allergens.

(a) An early learning provider must not use dry shampoos or dry chemical sanitizers or disinfectants, unless approved by the department.

(b) If caring for infants, a provider must either place a safe and clean material over large rugs or carpet, or clean rugs or carpet at least once per month or more often if visible stains are present.

Weight #5

(12) Small area rugs must be shaken outdoors or vacuumed daily, and laundered as needed. **Weight #5**

(13) Carpets or area rugs soiled with bodily fluids must be cleaned and disinfected with high heat or an EPA registered product. An early learning provider must limit exposure to blood and body fluids during cleanup. **Weight #6**

(14) Children must not:

(a) Be present when carpets are cleaned or vacuumed unless the provider is spot vacuuming, the vacuum has a HEPA filter, and children are not within the immediate area; or

(b) Use or play on or near carpet areas until dry. **Weight #5**

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NEW SECTION

WAC 170-300-0245 Laundry and equipment. (1) Laundry and laundry equipment at an early learning program must be inaccessible to children and separated from areas where food is prepared to prevent cross contamination. **Weight #4**

(2) Dirty or soiled laundry must be:

(a) Kept separate from clean laundry;

(b) Cleaned with laundry soap or detergent;

(c) Rinsed; and

(d) Sanitized:

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

(ii) By using a "sanitize" setting on a washing machine or dryer

that reaches at least 140 degrees Fahrenheit. **Weight #6**

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

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NEW SECTION

WAC 170-300-0250 Private septic systems. (1) If an early learning program is served by a private septic system, the septic system must be designed, constructed, and maintained in accordance with state and local health jurisdiction requirements. **Weight #6**

(a) A private septic system must be inspected by a septic system maintenance service provider approved by the local health jurisdiction and monitored on a routine basis. Any deficiencies noted in an inspection report must be corrected with the necessary permits and inspections. **Weight NA**

(b) The most recent private septic system pumping and inspection records must be kept on the licensed premises or in the program's administrative office. **Weight NA**

(c) If an early learning provider does not have the documentation described in (b) of this subsection, the provider must obtain from the state, local health jurisdiction, or a department approved private company such documentation within six months of the date this section becomes effective. **Weight NA**

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

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

(2) Pursuant to WAC 170-300-0146(2), playground design must not:

(a) Interfere with access to or the operation of a private septic system, including a private septic system's drain field and tanks; or

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

NA

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NEW SECTION

WAC 170-300-0255 Pest control. (1) An early learning provider must take appropriate steps to safely prevent or control pests that pose a risk to the health and safety of adults and children in and around the licensed space. Pest control steps must include: **Weight #7**

(a) **Prevention.** A provider must take steps to prevent attracting pests including, but not limited to, identifying and removing food and water sources that attract pests.

(b) **Inspection.** Indoor and outdoor areas in and around the licensed space must be inspected for evidence of pests. A provider must document the date and location if evidence is found.

(c) **Identification.** Pests found in the licensed space must be identified and documented so the pest may be properly removed or exterminated.

(d) **Management.** A provider must document steps taken to remove or exterminate the pests if found in the licensed space.

(e) **Notification.** If pesticides are used, the early learning provider must notify the parents or guardians of enrolled children what pesticide will be applied and where it will be applied no less than forty-eight hours before application, unless in cases of emergency (such as a wasp nest).

(f) **Application.** Pesticide must be applied to early learning program space when children are not present. When pesticide is applied, center providers must comply with chapter 17.21 RCW and family home providers must comply with the pesticide manufacturer's instructions.

Weight NA

(2) An early learning provider must have a pest control policy that emphasizes prevention and natural, nonchemical, low-toxicity methods where pesticides or herbicides are used as a last resort (i.e., integrated pest management). Weight NA

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NEW SECTION

WAC 170-300-0260 Storage of hazardous and maintenance supplies.

(1) An early learning provider must ensure all poisonous or dangerous substances including, but not limited to, fuels, solvents, oils, laun-

dry, dishwasher, other detergents, sanitizing products, disinfectants and items labeled "keep out of reach of children" are stored:

(a) In a location that is inaccessible to children;

(b) Separate and apart from food preparation areas, food items, and food supplies;

(c) In their original containers or clearly labeled with the name of the product if not in the original container; and

(d) In compliance with the manufacturer's directions (including, not storing products near heat sources). **Weight #7**

(2) Storage areas and storage rooms must:

(a) Be inaccessible to children;

(b) Have locking doors or other methods to prevent child access;

(c) Have moisture resistant and easily cleanable floors;

(d) Have a designated maintenance or janitorial utility sink, or another method to dispose of wastewater (kitchen sinks must not be used for disposal of wastewater); and

(e) Be kept clean and sanitary. **Weight #7**

(3) Center early learning program space with storage areas and rooms that contain chemicals, utility sinks, or wet mops must be ventilated to the outdoors with an exterior window or mechanical ventila-

tion to prevent the buildup of odors, fumes, or other hazards. **Weight #6**

(4) Family home providers must store and maintain chemicals and wet mops in a manner that minimizes the buildup of odors, fumes, or other hazards. **Weight #6**

(5) Saws, power tools, lawn mowers, toilet plungers, toilet brushes, and other maintenance and janitorial equipment must be inaccessible to children. **Weight #7**

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SLEEP AND REST

NEW SECTION

WAC 170-300-0265 Sleep, rest, and equipment. (1) An early learning provider must offer a supervised daily rest period for children preschool age and younger who remain in care for more than six hours per day, or who show a need for rest. **Weight #5**

(2) An early learning provider must provide quiet activities for children who do not require rest. Quiet activities must be minimally disruptive to sleeping children. **Weight #4**

(3) An early learning provider must communicate a child's sleep needs and patterns with that child's parent or guardian. **Weight #4**

(4) An early learning provider must not place children directly on the floor to rest or sleep. **Weight #5**

(5) For children not using cribs or playpens, an early learning provider must provide developmentally appropriate mats, cots, or other sleep equipment made of water resistant material that can be cleaned and sanitized. **Weight #5**

(6) Mats, cots, and other sleep equipment used in an early learning program must be:

(a) In good condition, have no tears or holes, and have no repairs with tape;

(b) Cleaned, sanitized, and air dried at least once per week or more often as needed if used by only one child, or after each use if used by more than one child; and

(c) Stored so sleeping surfaces are not touching each other unless cleaned and sanitized after each use. **Weight #5**

(7) Floor mats designed for sleeping and mattresses must be at least one inch thick. **Weight #4**

(8) Floor mats must be spaced apart from other floor mats, cots, and mattresses to reduce germ exposure and allow early learning providers' access to each child during sleep time as follows:

(a) There must be at least eighteen inches on each side between each floor mat, cot, or mattress; and

(b) Floor mats, cots, and mattresses must be arranged so children are head to toe, or toe to toe. **Weight #4**

(9) Each child's bedding must:

(a) Have a clean sheet or blanket to cover the sleeping surface and a clean blanket for the child that is suitable given the child's size and room temperature;

(b) Be laundered weekly or more often if soiled, or laundered daily if used by more than one child; and

(c) Be stored separately from bedding used by another child, unless it is cleaned and sanitized after each use. **Weight #5**

(10) An early learning provider must not allow children less than six years of age to use loft style beds or upper bunks of bunk beds.

Weight #6

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NEW SECTION

WAC 170-300-0270 Overnight care. (1) An early learning provider must be approved by the department to provide overnight care between nine o'clock at night and five o'clock in the morning when any enrolled child sleeps for three or more hours at the program. **Weight #6**

(2) If approved by the department to provide overnight care, an early learning provider must supply every child an individual bed or other sleep equipment that:

(a) Is safe and in good working condition;

(b) Is made of moisture resistant material that can be cleaned and sanitized;

(c) Meets the child's developmental needs; and

(d) Is stored so sleeping surfaces are not touching each other unless cleaned and sanitized after each use. **Weight #5**

(3) Each child's bedding must:

(a) Have a clean sheet or blanket to cover the sleeping surface and a clean cover for the child except for infants;

(b) Be laundered weekly or more often if soiled. Bedding must be laundered daily if used by different children; and

(c) Be stored separately from bedding used by another child, unless it is cleaned and sanitized after each use. **Weight #5**

(4) An early learning provider must:

(a) Supervise children until they are asleep, except where children demonstrate the need for privacy to change clothes and can safely do so; and

(b) Have department approval prior to using night latches, deadbolts, or security chains. **Weight #6**

(5) An early learning provider who sleeps while children are in overnight care must:

(a) Have written permission and documentation that parents are aware that the provider is sleeping while their children are in care and have read the facilities policies and procedures for overnight care; **Weight #6**

(b) Stay awake until all children are asleep or returning to sleep; **Weight #7**

(c) Remain on the same floor level as sleeping children at all times; **Weight #7**

(d) Sleep in the same room with infants and toddlers; **Weight #8**

(e) Be physically available and responsive, available to immediately respond to a child's needs; **Weight #7**

(f) Have alarms to alert them if a child should leave the room;

Weight #7

(g) Have monitoring devices to assist in hearing and visibly checking on children in each room used for sleeping; Weight #7 and

(h) Be awake for the arrival and departure of each child in overnight care. Weight #7

(6) An early learning provider who accepts infants for overnight care must comply with all safe sleep rules pursuant to WAC 170-300-0291 for at least the first fifteen nights a new infant is enrolled in that program. A provider may sleep while the infant sleeps during overnight care if:

(a) The provider continues to comply with WAC 170-300-0291

(1)(b), (c), (f), (g), (h), (i) and (2);

(b) Once that provider has become familiar with the sleep routines and patterns of that infant; and

(c) The provider has observed no apparent health or safety risks while the infant sleeps. Weight #6

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INFANT AND TODDLER

NEW SECTION

WAC 170-300-0275 Infant and toddler care. (1) An early learning program may care for infants if the department inspects the program space and approves care for infants:

(a) Prior to issuing the program its license; or

(b) Prior to caring for infants if the program has not previously done so. **Weight #6**

(2) An early learning provider working directly with infants must complete the department required infant safe sleep training pursuant to WAC 170-300-0106(8). **Weight NA**

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

(4) A center early learning provider licensed to care for any infant shall employ or contract with a child care health consultant to provide health consultation to support the practices of staff working with infants and to support the needs of individual infants. **Weight #5**

(5) A center early learning provider shall enter into a department approved written agreement for services with a child care health consultant.

(a) The child care health consultant must be a currently licensed registered nurse who:

(i) Has worked in pediatrics or public health in the past five years or has taken or taught classes in pediatric nursing at the college level in the past five years;

(ii) Has experience with state licensing and public health requirements; and

(iii) Attests in writing to knowledge and experience sufficient to provide service consistent with the health consultant competencies described in the most current version of *Caring for Our Children*.

(b) The child care health consultant must be available, or make available a designee who meets the requirements of subsection (2)(a) of this section, for consultation by phone as needed.

(6) A center early learning provider shall ensure that the child care health consultant:

(a) Conducts at least one on-site visit monthly, if an infant is enrolled, during which the consultant:

(i) Observes and assesses staff knowledge of infant health, development, and safety and offers support through training, consultation, or referral;

(ii) Observes and assesses classroom health practices including, but not limited to, infection control including cleaning, sanitizing, and disinfecting, and provides technical assistance to correct any practices of concern;

(iii) Observes and assesses behavior, development, and health status of individual infants in care and makes recommendations to staff or parents or guardians including if further assessment is recommended, as requested or otherwise determined appropriate.

(b) Provides a dated, signed, written summary to the early learning provider for each visit that includes topics discussed with parents or staff, any areas of concern related to discussion, observation, assessment, or screening outcomes; and

(c) Reports each visit to the department. **Weight #6**

(7) A center early learning provider must keep on-site a copy of the child care health consultant's written reports along with any notes, recommended follow up, and any actions taken to address concerns identified. **Weight #4**

(8) If a center early learning provider is unable to independently employ or contract with a child care health consultant within thirty calendar days of enrolling an infant, the provider shall contact the department for assistance. The department shall assist the provid-

er obtain the services of a child care health consultant or may grant a waiver until the services can be secured. **Weight NA**

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NEW SECTION

WAC 170-300-0280 Bottle preparation. (1) An early learning provider may allow parents to bring from home filled bottles clearly labeled with the date and infant's first and last name for daily use. Bottles must be immediately refrigerated. **Weight #5**

(2) A bottle preparation area must:

(a) Include a sink; and

(b) Be located at least eight feet from any diaper changing tables or counters and sinks used for diaper changing; or

(c) Be physically separated from the diaper changing area by means of a barrier to prevent cross contamination. If a barrier is used, it must be:

(i) Smooth and easily cleanable;

(ii) Sealed, if made of wood;

(iii) Moisture resistant;

(iv) Extend at least twenty-four inches in height from the counter or changing surface; and

(v) Solid without cracks, breaks or separation. **Weight #6**

(3) To prepare bottles, an early learning provider must:

(a) Clean bottles and nipples before use using warm soapy water and a bottlebrush and sanitize by boiling in hot water for one minute, or pursuant to WAC 170-300-0198;

(b) Clean and sanitize the sink used for preparing bottles;

(c) Obtain water from a sink used for bottle or food preparation only, or from another approved source, such as bottled water. Water from a handwashing or diaper changing sink may not be used for bottle preparation;

(d) Use bottles and nipples in good repair (with no cracks);

(e) Use glass or stainless steel bottles, or use plastic bottles labeled with "1," "2," "4," or "5" on the bottle. A plastic bottle must not contain the chemical bisphenol-A or phthalates;

(f) Prepare infant formula according to manufacturer's directions and never serve infant formula past the expiration date on the container;

(g) Not heat a bottle in a microwave;

(h) Warm bottles under running warm water, in a container of water, or in a bottle warmer;

(i) Keep bottle nipples covered if bottles are prepared ahead;

(j) Store prepared and unserved bottles in the refrigerator;

(k) Not allow infants or toddlers to share bottles or cups when in use; and

(l) Throw away contents of any formula bottle not fully consumed within one hour (partially consumed bottles must not be put back into the refrigerator). **Weight #6**

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NEW SECTION

WAC 170-300-0281 Breast milk. (1) When a parent or guardian provides breast milk, an early learning provider must:

(a) Immediately refrigerate or freeze the breast milk; **Weight #7**

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

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

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

(2) Frozen breast milk must be kept in the refrigerator at a temperature of 39 degrees Fahrenheit for up to twenty-four hours after thawed. **Weight #6**

(3) Thawed breast milk that has not been served within twenty-four hours must be labeled "do not use" and returned to the parent or guardian. **Weight #4**

(4) An early learning provider must return any unused refrigerated, not been previously frozen, bottles or containers of breast milk to the parent at the end of the child's day, or label "do not use."
Weight #4

(5) An early learning provider must thaw frozen breast milk in the refrigerator, under warm running water, in a container with warm water, or in a bottle warmer. **Weight #6**

(6) An early learning provider must not thaw or heat breast milk in a microwave oven or on the stove. **Weight #7**

(7) An early learning provider must obtain parental consent prior to feeding infant formula to an otherwise breastfed infant. **Weight #6**

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NEW SECTION

WAC 170-300-0285 Infant and toddler nutrition and feeding. (1) An early learning provider must have and follow written policies on providing, preparing, and storing breast milk or infant formula and food. **Weight NA**

(2) After consulting a parent or guardian, an early learning provider must implement a feeding plan for infants and toddlers that includes:

(a) A plan to support the needs of a breastfeeding mother and infant by:

(i) Providing an area for mothers to breastfeed their infants;
and

(ii) Providing educational materials and resources to support breastfeeding mothers. **Weight #4**

(b) Feeding infants and toddlers when hungry according to their nutritional and developmental needs, unless medically directed; **Weight #6**

(c) Serving only breast milk or infant formula to an infant, unless the child's health care provider offers a written order stating otherwise; **Weight #6** and

(d) When bottle feeding, an early learning provider must:

(i) Test the temperature of bottle contents before feeding to avoid scalding or burning the child's mouth;

(ii) Hold infants and, when developmentally appropriate, toddlers to make eye contact and talk to them;

(iii) Stop feeding the infant or toddler when he or she shows signs of fullness; and

(iv) Not allow infants or toddlers to be propped with bottles or given a bottle or cup when lying down. **Weight #6**

(e) Transitioning a child to a cup only when developmentally appropriate; **Weight #5**

(f) Introducing age-appropriate solid foods no sooner than four months of age, based on an infant's ability to sit with support, hold his or her head steady, close his or her lips over a spoon, and show signs of hunger and being full, unless identified in written food plan pursuant to WAC 170-300-0190 or written medical approval; **Weight #5**

(g) Not adding food, medication, or sweeteners to the contents of a bottle unless a health care provider gives written consent; **Weight #6**

(h) Not serving one hundred percent juice or any sweetened beverages (for example, juice drinks, sports drinks, or tea) to infants

less than twelve months old, unless a health care provider gives written consent, and helping prevent tooth decay by only offering juice to children older than twelve months from a cup; **Weight #5**

(i) Increasing the texture of the food from strained, to mashed, to soft table foods as a child's development and skills progress between six and twelve months of age. Soft foods offered to older infants should be cut into pieces one-quarter inch or smaller to prevent choking; **Weight #6**

(j) Allowing older infants or toddlers to self-feed soft foods from developmentally appropriate eating equipment; **Weight #4**

(k) Placing infants or toddlers who can sit up on their own in high chairs or at an appropriate child-size table and chairs when feeding solid foods or liquids from a cup, and having an early learning provider sit with and observe each child eating. If high chairs are used, each high chair must:

(i) Have a base that is wider than the seat;

(ii) Have a safety device, used each time a child is seated, that prevents the child from climbing or sliding down the chair;

(iii) Be free of cracks and tears; and

(iv) Have a washable surface. **Weight #5**

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

(m) Preventing infants or toddlers from sharing the same dish or utensil; **Weight #4**

(n) Not serving any uneaten food from the serving container after the intended meal; **Weight #4** and

(o) Not serving food to infants or toddlers using polystyrene foam (styrofoam) cups, bowls, or plates. **Weight #6**

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NEW SECTION

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

(1) For infants, an early learning provider must supply a single level crib, playpen, or other developmentally appropriate sleep equipment. Providers must not use sofas, couches, or adult-sized or toddler beds for infant sleeping. **Weight #6**

(2) For toddlers, an early learning provider must supply a single level crib, playpen, toddler bed, or other developmentally appropriate sleep equipment. An early learning provider must allow toddlers to follow their own sleep patterns. **Weight #6**

(3) Sleep equipment not covered in WAC 170-300-0265 must:

(a) Be approved by CPSC or ASTM International Safety Standards for use by infants and toddlers; **Weight #7**

(b) Cribs must have a certificate of compliance, sticker, or documentation from the manufacturer or importer stating the crib meets 16 C.F.R. 1219 and 1220; **Weight #7**

(c) Have a clean, firm, and snug-fitting mattress designed specifically for the particular equipment; **Weight #7**

(d) Have a tight-fitted sheet that is designed for the sleep equipment; **Weight #7**

(e) Have a moisture resistant and easily cleaned and sanitized mattress, if applicable. The mattress must be free of tears or holes and not repaired with tape; **Weight #5**

(f) The sheet must be laundered at least weekly or more often, such as between uses by different children or if soiled; **Weight #5**

(g) Cribs and playpens arranged side by side must be spaced at least thirty inches apart; **Weight #5** and

(h) Cribs and playpens placed end to end must have a moisture resistant and easily cleanable solid barrier if spaced closer than thirty inches. **Weight #5**

(4) An early learning provider must immediately remove sleeping children from car seats, swings, or similar equipment not designed for sleep unless doing so would put another enrolled child at risk. **Weight #7**

(5) An early learning provider must consult with a child's parent or guardian before that child is transitioned from infant sleeping equipment to other sleep equipment. **Weight #5**

(6) An early learning provider must transition children who are able to climb out of their sleeping equipment to developmentally appropriate sleep equipment. When parents do not agree with transitioning, the provider and parent will cocreate a transition plan. **Weight #7**

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NEW SECTION

WAC 170-300-0295 Infant and toddler programs and activities. (1)

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

(2) An early learning provider must ensure an adequate supply of age and developmentally appropriate program materials and equipment for infants and toddlers. Materials and equipment must meet individu-

al, developmental, and cultural needs of children in care, and must be:

(a) Clean and washable or disposable;

(b) Nonpoisonous, free of toxins, and meet ASTM D-4236 labeling requirements for chronic health hazards;

(c) Large enough to prevent swallowing or choking;

(d) Safe and in good working condition;

(e) Child size;

(f) Accommodating to a range of abilities and special needs of enrolled children, if applicable;

(g) Accessible for children to find, use, and return independently; and

(h) Removed from the early learning premises as soon as a provider becomes aware an item has been recalled by CPSC. **Weight NA**

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NEW SECTION

WAC 170-300-0296 Infant and toddler development. (1) An early learning provider must expose infants and toddlers to a developmentally appropriate curriculum. **Weight NA**

(2) Developmentally appropriate curriculum may include, but is not limited to:

(a) Developing infant and toddler language and communication by:

(i) Talking and listening to children, encouraging soft infant sounds, naming objects, feelings, and desires, and describing actions;

(ii) Giving individual attention to children when needed;

(iii) Playing and reading with children;

(iv) Mirroring similar infant sounds and sharing a child's focus of attention;

(v) Communicating throughout the day and during feeding, changing, and cuddle times; and

(vi) Providing materials and equipment that promote language development and communication such as soft books, interactive storybook reading, rhymes and songs, and finger puppets.

(b) Developing infant and toddler physical and cognitive abilities by:

(i) Allowing each infant actively supervised tummy time throughout the day when the infant is awake;

(ii) Providing infants and toddlers freedom to explore and learn on their own on the floor;

(iii) Providing infants and toddlers access to active outdoor playtime. An early learning provider must enforce sun safety precautions for infants younger than six months old by keeping them out of the direct sunlight and limiting sun exposure when ultraviolet rays are strongest (typically from 10:00 a.m. to 2:00 p.m.); and

(iv) Encouraging infants and toddlers to play, crawl, pull up, and walk by using materials and equipment that promotes:

(A) Physical and cognitive activities, for example rattles, grasping and reaching toys, busy boxes, nesting cups, small push and pull toys, riding toys, balls, squeezable toys, books, dolls, press-together blocks, and limited use of equipment such as bouncers, swings, or boppies; and

(B) Spatial and numeracy understanding, for example counting toys, soft blocks and toys with different sizes such as measuring cups or spoons, and toys with different shapes and colors to help introduce sorting and categorization.

(c) Developing infant and toddler social and emotional abilities by:

(i) Providing social contact with infants and toddlers in addition to time spent feeding, diapering and bathing by playing with

children, naming and acknowledging emotions, and encouraging peer interaction;

(ii) Immediately investigating cries or other signs of distress;

(iii) Providing comfort to an upset or hurt child;

(iv) Positively responding to a child's verbal and nonverbal cues;

(v) Intervening during negative peer interactions such as when a child grabs other children's toys, pulls hair, or bites;

(vi) Providing physical stimulation through holding, cuddling, rocking, talking, singing, playing, carrying, and changing positions; and

(vii) Providing materials and equipment that promote social and emotional activities such as pictures of children and adults exhibiting different emotions, pictures of infants and family members, dolls and soft toys, rattles, music, and dancing scarves. **Weight #5**

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