

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.

INTERACTIONS AND CURRICULUM

Learning Supports

NEW SECTION

WAC 170-300-0300 Individual care plan. (1) An early learning provider must develop an individual care plan for each child with special needs and must notify the department when a child with special needs is enrolled or identified in the early learning program. Plans and documentation required under this section must:

- (a) Meet the requirements of this section; **Weight #5**
- (b) Be available for department review; **Weight #5**
- (c) Have written permission from a child's parent or guardian stating that a visiting health professional may provide services to the child at the early learning program, if applicable; **Weight #5**
- (d) Have verification that early learning program staff involved with a particular child has been trained on implementing the individual care plan for that child, if applicable; **Weight #5**

(e) Be updated annually or when there is a change in the child's special needs; Weight #5 and

(f) Be kept in the child's file. Weight NA

(2) The individual care plan must be signed by the parent or guardian and may be developed using a department provided template.

(a) The individual care plan must contain:

(i) The child's diagnosis, if known;

(ii) Contact information for the primary health care provider or other relevant specialist;

(iii) A list of medications to be administered at scheduled times, or during an emergency along with descriptions of symptoms that would trigger emergency medication;

(iv) Directions on how to administer medication;

(v) Allergies;

(vi) Food allergy and dietary needs, pursuant to WAC 170-300-0186;

(vii) Activity, behavioral, or environmental modifications for the child;

(viii) Known symptoms and triggers;

(ix) Emergency response plans and what procedures to perform; and

(x) Suggested special skills training, and education for early learning program staff, including specific pediatric first aid and CPR for special health care needs.

(b) An early learning provider must have supporting documentation of the child's special needs provided by the child's licensed or certified:

(i) Physician or physician's assistant;

(ii) Mental health professional;

(iii) Education professional;

(iv) Social worker with a bachelor's degree or higher with a specialization in the individual child's needs; or

(v) Registered nurse or advanced registered nurse practitioner.

Weight NA

(3) An early learning provider's written plan and documentation for accommodations must be informed by any existing:

(a) Individual education plan (IEP);

(b) Individual health plan (IHP);

(c) 504 Plan; or

(d) Individualized family service plan (IFSP). Weight NA

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NEW SECTION

WAC 170-300-0305 Curriculum philosophy and planning. (1) An early learning provider must have a written curriculum philosophy that describes the program of planned daily activities related to early childhood or child development. **Weight NA**

(2) The curriculum philosophy must address all age groups being served, be informed by the Washington state early learning and development guidelines, and may include:

(a) How children develop emotionally, socially, cognitively, and physically;

(b) What early learning looks like or areas of focus for each age group being served;

(c) How the provider will meet cultural, dual language learner, and special needs of children in care;

(d) How to guide learning and social interactions;

(e) The importance of play to a child's learning process; and

(f) For infants and toddlers, the importance of developing consistent, nurturing relationships with caregivers as a component of learning. **Weight #1**

(3) Staff must be trained on the program's curriculum philosophy.

Weight NA

(4) A lead teacher or family home early learning provider must be given regularly scheduled time to plan and develop curriculum and activities. Planning may be done during rest time but all supervision requirements pursuant to WAC 170-300-0345 must be met. Weight #1

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NEW SECTION

WAC 170-300-0310 Concept development and feedback quality. (1) An early learning provider must facilitate activities to support child learning and understanding. Weight #3

(2) An early learning provider may facilitate child learning and understanding through a variety of techniques such as:

(a) Using a variety of teaching strategies (different techniques, curricula, or styles) and materials to address different learning styles, abilities, developmental levels, and temperament;

(b) Helping children enter into and sustain play;

(c) Encouraging children to participate by asking questions and providing guidance;

(d) Providing opportunities for children's creativity;

(e) Linking concepts and activities to one another and to the children's lives and interests;

(f) Noticing and responding to teachable moments;

(g) Clarifying and expanding children's understanding;

(h) Describing and discussing children's learning processes;

(i) Encouraging children's efforts and persistence;

(j) Showing tolerance for mistakes;

(k) Using diverse vocabulary;

(l) Leading discussions and activities;

(m) Providing materials during the day, including daily routines such as meals and transitions, to encourage communication in English and children's home languages when possible; and

(n) Use scaffolding methods to gradually move children toward stronger understanding and greater independence in the learning process. **Weight NA**

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NEW SECTION

WAC 170-300-0315 Language modeling and reasoning. (1) An early learning provider must be aware of and responsive to children's developmental, linguistic, cultural, and academic needs. **Weight #3**

(2) An early learning provider must be aware of and responsive to children's needs by engaging in activities such as:

(a) Asking developmentally appropriate questions for the age group and allow children to answer without interruption from the provider;

(b) Circulating among the children during free choice activities and talking with children about what they are doing;

(c) Using teaching techniques such as:

(i) Self-talk: When the provider talks about what he or she is doing, seeing, eating, touching, or thinking as he or she is involved in that activity;

(ii) Parallel-talk: When the provider talks about what the child is doing, seeing, eating, or touching as the child is engaging in those activities; or

(iii) Language expansion: When the provider adds detail or new words to build on ideas that children are expressing.

(d) An early learning provider working with preschool and school-age children must use language to develop and encourage reasoning skills by using techniques such as:

(i) Talking about logical relationships or concepts during the day including, but not limited to, the daily schedule, the differences and similarities between objects, or people in the classroom;

(ii) Introducing concepts using guiding questions that encourage children to figure out cause and effect relationships;

(iii) Providing opportunities for reading and writing activities;
and

(iv) Asking open ended questions to help children improve skills and acquire knowledge.

(e) An early learning provider working with non-English speaking children must encourage language development and acquisition by using techniques such as:

(i) Using words in various languages to talk about the routines;

(ii) Reading books out loud or using audio books; and

(iii) Playing games in different languages. **Weight NA**

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NEW SECTION

WAC 170-300-0320 Facilitating child interests, learning, perspective, and productivity. (1) An early learning provider must work to maximize children's interests, engagement with developmentally and

culturally responsive activities, and ability to learn from play.

Weight #3

(2) An early learning provider must maximize children's interests, engagement, and abilities by using techniques such as:

(a) Maximizing learning time with learning materials and products, limiting disruptions during activities, and offering additional choices when activities are completed;

(b) Giving clear instructions and directions; and

(c) Making opportunities for children to learn during transitions by clearly communicating expectations and keeping transitions to a duration that is developmentally appropriate. **Weight NA**

(3) An early learning provider must offer developmentally and culturally responsive activities that offer a range of auditory, visual, and movement opportunities by using techniques such as:

(a) Encourage child engagement;

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

(c) Organized around child interests and ideas;

(d) Allow choice, exploration, and experimentation;

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

(f) Allow children freedom to move during activities;

(g) Ensure child expression;

(h) Utilize interesting and creative materials;

(i) Offer hands-on opportunities for children;

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

(k) Orient and guide children toward learning objectives. **Weight**

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EMOTIONAL SUPPORT AND CLASSROOM ORGANIZATION

NEW SECTION

WAC 170-300-0325 Creating a climate for healthy child development. (1) When communicating or interacting with children, an early learning provider must maintain a climate for healthy, culturally responsive child development such as:

(a) Using a calm and respectful tone of voice;

(b) Using positive language to explain what children can do and give descriptive feedback;

(c) Having relaxed conversations with children by listening and responding to what they say. Adult conversations must not dominate the overall sound of the group;

(d) Greeting children upon arrival and departure at the early learning program;

(e) Using facial expressions such as smiling, laughing, and enthusiasm to match a child's mood;

(f) Using physical proximity in a culturally responsive way to speak to children at their eye level and with warm physical contact including, but not limited to, gently touching a hand or shoulder, sitting next to a child, appropriately holding younger children close while communicating;

(g) Validating children's feelings and show tolerance for mistakes;

(h) Being responsive and listening to children's requests and questions, encouraging children to share experiences, ideas, and feelings;

(i) Observing children in order to learn about their families, cultures, individual interests, ideas, questions, and theories;

(j) Modeling and teaching emotional skills such as recognizing feelings, expressing them appropriately, accepting others' feelings, and controlling impulses to act out feelings;

(k) Representing the diversity found in the early learning program and society, including gender, age, language, and abilities,

while being respectful of cultural traditions, values, religion and beliefs of enrolled families; and

(1) Interacting with staff and other adults in a positive, respectful manner. **Weight #5**

(2) An early learning provider must encourage positive interactions between and among children with techniques such as:

(a) Giving children several chances a day to interact with each other while playing or completing routine tasks;

(b) Modeling social skills;

(c) Encouraging socially isolated children to find friends;

(d) Helping children understand feelings of others; and

(e) Including children with special needs to play with others.

Weight #6

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NEW SECTION

WAC 170-300-0330 Positive relationships and child guidance. (1)

An early learning provider must work to maintain positive relationships with children by using consistent guidance techniques to help children learn. Guidance techniques must adapt an early learning program's environment, routines, and activities to a child's strengths,

developmental level, abilities, culture, community, and relate to the child's behavior. **Weight #6**

(2) Guidance techniques may include:

(a) Coaching behavior;

(b) Modeling and teaching social skills such as taking turns, cooperation, waiting, self-control, respect for the rights of others, treating others kindly, and conflict resolution;

(c) Offering choices;

(d) Distracting;

(e) Redirecting or helping a child change their focus to something appropriate to achieve their goal;

(f) Planning ahead to prevent problems and letting children know what events will happen next;

(g) Explaining consistent, clear rules and involving children in defining simple, clear classroom limits;

(h) Involving children in solving problems; and

(i) Explaining to children the natural and logical consequence related to the child's behavior in a reasonable and developmentally appropriate manner. **Weight #6**

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NEW SECTION

WAC 170-300-0331 Prohibited behavior, discipline, and physical removal of children. (1) An early learning provider must take steps to prevent and, once aware of, must not tolerate:

(a) Profanity, obscene language, "put downs," or cultural or racial slurs;

(b) Angry or hostile interactions;

(c) Threats of physical harm or inappropriate discipline such as, but not limited to, spanking, biting, jerking, kicking, hitting, slapping, grabbing, shaking, pulling hair, pushing, shoving, throwing a child, or inflicting pain or humiliation as a punishment;

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

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

(f) Prevent a child from or punish a child for exercising religious rights; or

(g) Anyone to:

(i) Restrict a child's breathing;

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

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

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

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

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

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

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

(ix) Expose a child to extreme temperatures as punishment;

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

(xi) Place the separated child in a closet, bathroom, locked room, outside, or in an unlicensed space; and

(xii) Use high chairs, car seats, or other confining space or equipment to punish a child or restrict movement. **Weight #8**

(2) An early learning provider must supervise to protect children from the harmful acts of other children. A provider must immediately intervene when they become aware that a child or children are teasing, fighting, bullying, intimidating, or becoming physically aggressive. **Weight #7**

(3) An early learning provider may separate a preschool age or school age child from other children when that child needs to regain control of him or herself.

(a) During separation time, the child must remain under the appropriate level of supervision of a licensee, center director, assistant director, program supervisor, lead teacher or an assistant teacher.

(b) Separation time should be minimized and appropriate to the needs of the individual child. **Weight #6**

(4) If a child is separated from other children, an early learning provider must:

(a) Consider the child's developmental level, language skills, individual and special needs, and ability to understand the consequences of his or her actions; and

(b) Communicate to the child the reason for being separated from the other children. **Weight #5**

(5) If an early learning provider follows all strategies in this section, and a child continues to behave in an unsafe manner, only a licensee, center director, assistant director, program supervisor, lead teacher, or an assistant teacher may physically remove the child to a less stimulating environment. Staff must remain calm and use a calm voice when directing or removing the child. Physical removal of a child is determined by that child's ability to walk:

(a) If the child is willing and able to walk, staff may hold the child's hand and walk him or her away from the situation.

(b) If the child is not willing or able to walk, staff may pick the child up and remove him or her to a quiet place where the child cannot hurt themselves or others. **Weight #6**

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NEW SECTION

WAC 170-300-0335 Physical restraint. (1) An early learning provider must have written physical restraint protocols pursuant to WAC 170-300-0490, and implement such protocols only when appropriate and after complying with all requirements of WAC 170-300-0330 and 170-300-0331. **Weight NA**

(2) Physical restraint must only be used if a child's safety or the safety of others is threatened, and must be:

(a) Limited to holding a child as gently as possible to accomplish restraint;

(b) Limited to the minimum amount of time necessary to control the situation;

(c) Developmentally appropriate; and

(d) Only performed by early learning providers training in a restraint technique pursuant to WAC 170-300-0106(9). **Weight #7**

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

(4) Licensees, center directors, assistant directors, program supervisors, lead teachers or trained staff must remove him or herself

from a situation if they sense a loss of their own self-control and concern for the child when using a restraint technique if another early learning provider is present. If an early learning provider observes another staff using inappropriate restraint techniques, the staff must intervene. **Weight #8**

(5) If physical restraint is used, staff must:

(a) Report the use of physical restraint to the child's parent or guardian as soon as possible, but no later than the release of the child at the end of the day, and to the department within twenty-four hours, pursuant to WAC 170-300-0475;

(b) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate;

(c) Document the incident in the child's file, including the date, time, early learning program staff involved, duration and what happened before, during and after the child was restrained;

(d) Develop a written plan with input from the child's primary care or mental health provider, parents or guardians, to address underlying issues and reduce need for further physical restraint if:

(i) Physical restraint has been used more than once; and

(ii) A plan is not already a part of the child's individual care plan.

(e) Notify the department when a written plan has been developed.

Weight #7

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NEW SECTION

WAC 170-300-0340 Expulsion. (1) To promote consistent care and maximize opportunities for child development and learning, an early learning provider must develop and follow expulsion policies and practices, pursuant to WAC 170-300-0486. Weight NA

(2) An early learning provider may expel a child only if:

(a) The child exhibits behavior that presents a serious safety concern for that child or others; and

(b) The program is not able to reduce or eliminate the safety concern through reasonable modifications. Weight #5

(3) If a child is expelled, an early learning provider must:

(a) Review the program's expulsion policy with the parent or guardian of the child;

(b) Provide a record to the parent or guardian about the expulsion and the steps that were taken to avoid expulsion. The record must

include the date, time, early learning program staff involved, and details of each incident that led to expulsion; and

(c) Provide information to the parent or guardian of the child that includes, but is not limited to, community-based resources that may benefit the child. **Weight #4**

(4) The early learning provider must report to the department when children are expelled. The information must include:

(a) Child demographic data including, but not limited to, the age, race, ethnicity, and gender of the child;

(b) The reason the child was expelled; and

(c) The resources that were provided to the parent or guardian of the child. **Weight #4**

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PROGRAM STRUCTURE AND ORGANIZATION

NEW SECTION

WAC 170-300-0345 Supervising children. (1) An early learning provider must only allow the following persons to have unsupervised access to a child in care:

(a) That child's own parent or guardian;

(b) Licensees or early learning program staff authorized by the department in chapter 170-06 WAC, as hereafter recodified or amended;

(c) A government representative including an emergency responder who has specific and verifiable authority for access, supported by documentation; and

(d) A person authorized in writing or over the phone by that child's parent such as a family member, family friend, or the child's therapist or health care provider. **Weight #7**

(2) An early learning provider must meet capacity, group size, mixed age grouping, and staff-to-child ratios while children are in care. This includes, but is not limited to:

(a) Indoor and outdoor play activities;

(b) Off-site activities;

(c) During transportation;

(d) Meal times;

(e) Rest periods;

(f) Evening or overnight care; and

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

(3) An early learning provider must supervise children in care by:

(a) Scanning the environment looking and listening for both verbal and nonverbal cues to anticipate problems and plan accordingly;

(b) Visibly checking children on many occasions with little time in between;

(c) Positioning him or herself to supervise all areas accessible to children;

(d) Attending to children and being aware of what children are doing at all times;

(e) Being available and able to promptly assist or redirect a child as necessary; and

(f) Considering the following when deciding whether increased supervision is needed:

(i) Ages of children;

(ii) Individual differences and abilities of children;

(iii) Layout of the indoor and outdoor licensed space and play area;

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

(v) Any nearby hazards including those in the licensed or unlicensed space. **Weight #7**

(4) An early learning program staff member may undertake other activities for a temporary time period when not required to be providing active supervision required under subsection (5)(c) of this section. Such activities include, but are not limited to, cleaning up after an activity or preparing items for a new activity. This early learning staff member must remain in visual or auditory range, and be available and able to respond if needed. **Weight #7**

(5) An early learning provider must:

(a) Not use devices such as a baby monitors, video monitors, or mirrors in place of supervision, unless used pursuant to WAC 170-300-0270(5);

(b) Be able to hear when doors in the immediate area are opened to prevent children from leaving unsupervised;

(c) Actively supervise children when the children:

(i) Interact with pets or animals;

(ii) Engage in water or sand play;

(iii) Play in an area in close proximity to a body of water;

(iv) Use a safe route to access an outdoor play area not immediately adjacent to the early learning program;

(v) Engage in planned activities in the kitchen;

(vi) Ride on public transportation;

(vii) Engage in outdoor play; and

(viii) During field trips.

(d) Ensure no infant or child is left unattended during:

(i) Diapering;

(ii) Bottle feeding; or

(iii) Tummy time.

(e) Provide developmentally appropriate supervision to children

while bathing. **Weight #7**

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NEW SECTION

WAC 170-300-0350 Supervising children during water activities.

(1) During water activities, an early learning provider must meet all supervision requirements of this section and WAC 170-300-0345. **Weight**

NA

(2) During water activities, an early learning provider must:

(a) Ensure a one-to-one (1:1) staff-to-child ratio for infants;

(b) Hold or have continuous touch of infants, nonambulatory toddlers, and children with special needs as required; and

(c) Keep toddlers within arm's length. **Weight #8**

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

(4) For water activities on or off the early learning program premises, where the water is more than twenty-four inches deep, an early learning provider must ensure:

(a) A certified lifeguard is present and on duty; and

(b) At least one additional staff member than would otherwise be required is present to help actively supervise if the children are preschool age or older. **Weight #8**

(5) An early learning provider must have life-saving equipment readily accessible during water activities if a pool is six feet or more in any direction and two feet or more in depth. Life-saving equipment may include a ring buoy and rope, a rescue tube, or a throwing line and a shepherd's hook that will not conduct electricity.

Weight #8

(6) If an early learning provider takes children off-site to an area with an accessible body of water more than four inches deep (for example, a park with a lake or stream) but children are not engaging in a water activity, there must be:

(a) At least one more staff person than required in the staff-to-child ratio; and

(b) At least one attending staff person must be able to swim.

Weight #8

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NEW SECTION

WAC 170-300-0354 Indoor early learning program space capacity.

(1) To define capacity, licensed indoor early learning program space must have a minimum of thirty-five square feet per child in attendance and further comply with the requirements of this chapter. Weight #4

(a) Center early learning program space must provide fifteen additional square feet for each infant or toddler using a crib or playpen if the crib or playpen is located or placed in the sleeping or play area. Weight #1

(b) Floor space under tables, desks, chairs, and other equipment used as part of children's activities must be included in the overall capacity. Weight NA

(c) Office or kitchen space that is inaccessible to children and not intended for their use must not be included in the overall capacity. Weight NA

(d) Napping areas may be used as early learning program space if mats and cots are removed when not in use and children have free access to the area. **Weight NA**

(2) The following indoor space must not be counted in the overall capacity:

(a) Unlicensed space;

(b) Hallway space that is used for emergency evacuation or is not approved to be used for program activities;

(c) Bathrooms and diaper changing areas (including twenty-four inches surrounding diaper changing areas and handwashing sink, unless the diaper changing area has a two foot high barrier);

(d) Laundry areas;

(e) Closets;

(f) Stairways; and

(g) Floor space occupied by shelves, built-in cabinets, file cabinets, desks, or other office equipment not intended to be accessible to children. **Weight NA**

(3) A large, licensed indoor gross motor activity space may be used to supplement the requirements of outdoor program space, pursuant to WAC 170-300-0145, but must not be counted in the overall capacity if:

(a) The space provides seventy-five square feet per child for the maximum number of children listed on the license or the provider rotates groups of children; and

(b) The space is safe and appropriate for activities otherwise performed in an outdoor play space. **Weight NA**

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NEW SECTION

WAC 170-300-0355 Family home capacity, ratio, and group size. (1)

The department issues initial or nonexpiring family home licenses for up to twelve children. The department will not issue a family license to care for more children than permitted by the rules in this chapter but may issue a license to care for fewer than the maximum allowable enrolled children. Family home licenses state:

(a) The maximum number of children that may be in care at any one time (total capacity); and

(b) The age range of children allowed in care. **Weight NA**

(2) The department determines capacity for a family home early learning program after considering:

(a) Square footage of the early learning program;

(b) An early learning provider's years of experience in licensed child care (experience must be from working as a center director, program supervisor, lead teacher, family home licensee, or another similar role in a child care setting);

(c) A provider's education and ongoing training;

(d) The age range requested or approved by the department;

(e) The amount of developmentally appropriate equipment, materials, and toys an early learning program can provide children to use;

(f) A provider's licensing history with the department; and

(g) The number of qualified staff available to meet staff-to-child ratios. **Weight NA**

(3) A family home licensee must not exceed the total capacity or age range stated on the child care license at any time except as provided in this section. All children on the premises, signed in to child care, on an off-site trip from the early learning program, or being transported by the early learning program staff are counted in capacity including the children of staff.

(a) A family home licensee must receive department approval to care for a child with special needs, pursuant to WAC 170-300-0300, if the child is older than the maximum age identified on the license. A

child with documented special needs may be in care up to age nineteen and must be counted in both capacity and staff-to-child ratio.

(b) A child with special needs who requires individualized supervision pursuant to WAC 170-300-0300 counts towards capacity but does not count in the staff-to-child ratio.

(c) A child who turns thirteen years old permitted by chapter 170-290 WAC, as hereafter recodified or amended, and who must be counted in both capacity and staff-to-child ratio. **Weight #7**

(4) Any child birth through twelve years old on the premises, signed in to the child care, on an off-site trip from the early learning program, or being transported counts in capacity. This includes a family home licensee's own children, children of staff, or visiting children not accompanied or supervised by an adult. **Weight #6**

(5) A family home licensee must provide qualified staff to fulfill the staffing requirements and staff-to-child ratios during operating hours, including off-site activities and when transporting children in care. **Weight NA**

(6) A family home licensee must provide additional staff, pursuant to WAC 170-300-0350, when children are participating in water activities or activities near water. **Weight NA**

(7) When applying for an initial or nonexpiring family home license, a family home licensee with less than one year of experience may request from the department a capacity of up to six children, birth through twelve years of age.

(a) A maximum of three children may be under two years of age.

(b) If there are three children under two years of age, one of these children must be able to walk independently. **Weight NA**

(8) When applying for an initial or nonexpiring family home license, a family home licensee with at least one year but less than two years of experience and:

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

(b) Working with a qualified assistant may request a capacity of up to nine children birth through twelve years of age with a maximum of four children under two years of age. **Weight NA**

(9) When applying for an initial or nonexpiring family home license, a family home licensee with at least two years' experience and:

(a) Working alone may request a capacity of up to ten children ages three years through twelve years of age;

(b) Working alone may request a capacity of up to twelve children for school age children only; and

(c) Working with a qualified assistant, may request a capacity of up to twelve children birth through twelve years of age with a maximum of six children under two years of age with two children being able to walk independently. **Weight NA**

(10) A family home licensee, with two years of experience, may request a license for birth to twenty-four months of age with a maximum group size of eight when:

(a) There are two staff present with the group consisting of one staff who meets the qualification of the licensee and another who meets the qualifications to be counted in ratio;

(b) The staff-to-child ratio is 1:4;

(c) Fifteen additional square feet are provided for each infant or toddler; and

(d) A second staff member is present whenever:

(i) More than two children in care do not walk independently; or

(ii) When there are more than four children in care. **Weight NA**

(11) The staff-to-child ratio is determined by the ages and number of children in care. Two early learning program staff are required anytime:

(a) More than six children are in care and any child in care is under two years of age;

(b) More than eight children are in care and any child in care is under three years of age; or

(c) More than ten children are in care and any child is under school age. **Weight #7**

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NEW SECTION

WAC 170-300-0356 Center capacity, ratio, and group size. (1) The department issues initial or nonexpiring center early learning provider licenses. The department will not issue a center license to care for more children than permitted by the rules in this chapter. The department may issue a license to care for fewer than the maximum allowable enrolled children. For each center, licenses state:

(a) The maximum number of children that may be in care at any one time (total capacity);

(b) The licensed capacity for each space within the center licensed for use by children; and

(c) The age range of children allowed in care. **Weight NA**

(2) The department determines capacity for a center early learning program after considering:

(a) Square footage of the early learning program;

(b) A provider's education and ongoing training;

(c) The age range of children requested or approved by the department;

(d) The amount of developmentally appropriate equipment, materials, and toys an early learning program can provide children to use;

(e) A provider's licensing history with the department; and

(f) The number of qualified staff available to meet staff-to-child ratios. **Weight NA**

(3) A center licensee must not exceed the total capacity or age range stated on the child care license at any time except as provided in this section. All children on the premises, signed in to child care, on an off-site trip from the early learning program, or being transported by the early learning program staff are counted in capacity including the children of staff.

(a) A center licensee must receive department approval to care for a child with special needs, pursuant to WAC 170-300-0300, if the child is older than the maximum age identified on the license. A child

with documented special needs may be in care up to age nineteen and must be counted in capacity and staff-to-child ratio.

(b) A child with special needs who requires individualized supervision pursuant to WAC 170-300-0300 does not count in the staff-to-child ratio.

(c) A child who turns thirteen years old permitted by chapter 170-290 WAC, as hereafter recodified or amended, must be counted in both capacity and staff-to-child ratio. **Weight #7**

(4) A center licensee must provide qualified staff to fulfill staffing requirements, staff-to-child ratios, group size, and mixed age grouping during operating hours, including off-site activities or when transporting children in care. **Weight NA**

(5) In each classroom or well-defined space, the maximum group size and ratio of center staff members to children, including children related to staff or the licensee, must be:

(a) Infants (birth through eleven months of age) with a:

(i) Maximum group size of eight with a ratio of one staff to four children (1:4);

(ii) Maximum group size of nine with a ratio of 1:3.

(b) Toddlers (twelve through twenty-nine months of age) with a:

(i) Maximum group size of fourteen with a ratio of 1:7;

(ii) Maximum group size of fifteen with a ratio of 1:5.

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

(d) School-age children (five years through twelve years of age who are enrolled in or attending kindergarten or elementary school) with a maximum group size of thirty with a ratio of 1:15. **Weight #7**

(6) A center licensee may combine children of different age groups for periods of no more than the first two hours of the day or the last two hours of the day, not to exceed two hours in any given day, provided the staff-to-child ratio and group size designated for the youngest child in the mixed group are maintained. **Weight #3**

(7) Children at least five years old and enrolled in or attending kindergarten may be a part of the preschool or school-age group if developmentally appropriate and the child's parent or guardian agrees to this placement. **Weight NA**

(8) A center licensee must conduct activities for each group of children in a specific room or other defined space within a larger area. **Weight #3**

(9) A center licensee must provide additional staff as described in WAC 170-300-0350 when children are participating in water activities or activities near water. **Weight NA**

(10) When only one center staff is required to care for the only group of children on-site for up to an hour at the beginning or end of the day, the center licensee must ensure:

(a) That staff member provides an appropriate level of supervision at all times to the children in care;

(b) That staff member is free of all other duties while providing care to children; and

(c) A second individual with a cleared background check is on-site and readily available to respond if needed, or the department approves an alternate plan. **Weight #7**

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NEW SECTION

WAC 170-300-0357 Center mixed age group capacity, ratio, and group size. (1) A center early learning program must do the following to mix age groups of children in care (in addition to any specific requirements of this section):

(a) Meet the square footage and staff-to-child ratio requirements for the youngest child present in the group;

(b) Meet the health, safety, and developmental needs for all ages of children in the mixed group; and

(c) Inform the department of the center's mixed age group policy.

Weight #6

(2) A center early learning program must do the following to mix groups of children birth to thirty-six months old with a maximum group size of eight children:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:4. Weight #5

(3) A center early learning program must do the following to mix groups of children birth to thirty-six months old with a maximum group size of nine children:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:3. Weight #5

(4) A center early learning program must do the following to mix groups of children twelve to thirty-six months old:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:7 with a maximum group size of fourteen children. **Weight #5**

(5) A center early learning program must do the following to mix groups of children twelve to thirty-six months old:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:5 with a maximum group size of fifteen children. **Weight #5**

(6) A center early learning program must do the following to mix groups of children between thirty-six months old through kindergarten with a maximum group size of twenty children:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10. **Weight #5**

(7) A center early learning program must do the following to mix groups of children between thirty-six months old through kindergarten with a maximum group size of twenty-six children:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10. **Weight #5**

(8) A center early learning program must do the following to mix groups of children four and one-half to nine years old with a maximum group size of twenty children:

(a) Have at least two staff present with the group, consisting of one lead teacher and one other staff member qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10. **Weight #5**

(9) A center early learning program must do the following to mix groups of children four and one-half to nine years old with a maximum group size of twenty-six children:

(a) Have at least three staff present with the group, consisting of one lead teacher and two other staff members qualified under this chapter; and

(b) Keep a staff-to-child ratio of 1:10. **Weight #5**

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NEW SECTION

WAC 170-300-0360 Program and daily schedule. (1) An early learning provider must have an established program and daily schedule that is familiar to children. **Weight #1**

(2) A schedule must be designed to meet enrolled children's developmental, cultural, and special needs. The daily schedule must:

(a) Be specific for each age group of children, when applicable;

(b) Offer a variety of activities to meet children's needs, pursuant to WAC 170-300-0150;

(c) Meet the following daily morning or afternoon active outdoor play time requirements:

(i) Twenty minutes for each three hours of programming for infants (as tolerated) and toddlers;

(ii) Thirty minutes for each three hours of programming for children preschool age and older; and

(iii) Programs that operate more than six hours a day must provide ninety minutes of active play for preschool age and up or sixty minutes of active play for infants and toddlers (thirty minutes of which may be moderate to vigorous indoor activities).

- (d) Include scheduled and consistent times for meal service;
- (e) Include routine transportation times, if applicable;
- (f) Include rest periods, if applicable; and
- (g) Include overnight care, if applicable. **Weight #3**

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