

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.

PROFESSIONAL DEVELOPMENT, TRAINING AND REQUIREMENTS

NEW SECTION

WAC 170-300-0100 General staff qualifications. All early learning providers must meet the following requirements prior to working:

(1) **Family home early learning program licensees** work from their private residence to provide early learning programming to a group of no more than twelve children present at one time **Weight NA**.

(a) A family home licensee must meet the following qualifications upon application:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Complete the applicable preservice requirements pursuant to WAC 170-300-0105. **Weight NA**

(b) A family home licensee must meet the following qualifications:

(i) Family home licensees must have an ECE initial certificate, or equivalent as approved and verified in the electronic workforce

registry by the department within five years of the date this section becomes effective; and

(ii) Upon completion of the ECE initial certificate or equivalent, family home licensees must complete an ECE short certificate or equivalent within two years, as approved and verified in the electronic workforce registry by the department.

(A) If a family home licensee already has an existing ECE initial certificate or equivalent, the licensee must complete an ECE short certificate or equivalent within five years of licensure by the department.

(B) Five years from the date this rule takes effect, the family home licensee must complete an ECE short certificate or equivalent within three years.

(iii) Have their continued professional development progress documented annually. **Weight #4**

(c) Family home licensees must provide the following services:

(i) Be on-site for the daily operation of the early learning program fifty percent or more of weekly operating hours, or designate a person with the qualifications of a family home licensee to be on-site when not present; **Weight #4**

(ii) Comply with these foundational quality standards; **Weight NA**

(iii) Develop a curriculum philosophy, communicate the philosophy to all early learning program staff and parents, and train staff to ensure the philosophy serves all children in the early learning program; **Weight NA**

(iv) Have knowledge of community resources available to families, including resources for children with special needs and the ability to share these resources with families; **Weight #1** and

(v) Oversee early learning program staff and support staff in creating and maintaining staff records. **Weight NA**

(2) **Center early learning program licensees** must meet the requirements of a center director, listed in subsection (3) of this section, or hire a center director who meets the qualifications prior to being granted an initial license. Center licensees who fulfill the role of center director in their early learning program must complete all trainings and requirements for center directors. **Weight #1**

(3) **Center directors or assistant directors** manage the early learning program and set appropriate program and staff expectations.

(a) A center director must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) A center director working at the time this chapter becomes effective must complete an ECE state certificate or equivalent within five years of the date this section becomes effective;

(B) A center director hired or promoted after this chapter becomes effective must have an ECE state certificate or equivalent at the time of hire.

(iii) Have two years of experience as a teacher of children in any age group enrolled in the early learning program and at least six months of experience in administration or management or a department approved plan;

(iv) Complete the applicable preservice requirements, pursuant to WAC 170-300-0105;

(v) If a center director does not meet the minimum qualification requirements, the center early learning program must employ an assistant director or program supervisor who meets the minimum qualifications of these positions;

(vi) Have their continued professional development progress documented annually. **Weight #4**

(b) An assistant director must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have an ECE state certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) An assistant director working at the time this chapter becomes effective must complete an ECE state certificate or equivalent within five years of the date this section becomes effective;

(B) An assistant director hired or promoted after this chapter becomes effective must have an ECE state certificate or equivalent at the time of hire.

(iii) Have two years of experience as a teacher of children in any age group enrolled in the early learning program or two years of experience in administration or management, or a department approved plan;

(iv) Complete the applicable preservice requirements, pursuant to WAC 170-300-0105;

(v) Have their continued professional development progress documented annually. **Weight #4**

(c) A center director or assistant director or equivalent must provide the following services:

(i) Be on-site for the daily operation of the early learning program fifty percent or more of weekly operating hours up to forty hours per week, or designate a person with the qualifications of an assistant director, program supervisor, or equivalent. A center director may act as a substitute teacher if acting as a substitute does not interfere with management or supervisory responsibilities; **Weight #4**

(ii) Comply with foundational quality standards; **Weight NA**

(iii) Develop a curriculum philosophy, communicate the philosophy to all early learning program staff and parents, and train staff to ensure the philosophy serves all children in the early learning program (or designate a program supervisor with this responsibility); **Weight NA**

(iv) Have knowledge of community resources available to families, including resources for children with special needs and be able to share these resources with families; **Weight #1** and

(v) Oversee professional development plans for early learning program staff including, but not limited to:

(A) Providing support to staff for creating and maintaining staff records;

(B) Setting educational goals with staff and locating or coordinating state-approved training opportunities for staff; and

(C) Observing and mentoring staff. **Weight NA**

(4) **Center program supervisors** plan the early learning program services under the oversight of a center director or assistant director.

(a) A program supervisor must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) If a director or assistant director has an ECE state certificate or equivalent as approved and verified in the electronic workforce registry by the department as follows:

(A) A program supervisor must complete an ECE state certificate or equivalent within five years of the date this section becomes effective or from the date of hire or promotion, whichever is later;

(B) A program supervisor at the time of hire or promotion must have an ECE state certificate if the director or assistant director does not have an ECE state certificate.

(iii) Have two years of experience as a teacher of children in any age group enrolled in any early learning program;

(iv) Complete the applicable preservice requirements, pursuant to WAC 170-300-0105; and

(v) Have their continued professional development progress documented annually. **Weight #4**

(b) A program supervisor performs the following duties:

(i) Guide the planning of curriculum philosophy, implementation, and environmental design of the early learning program; **Weight #1**

(ii) Comply with foundational quality standards; **Weight NA**

(iii) Act as a teacher or director as long as it does not interfere with the program supervisor's primary responsibilities; **Weight NA**
and

(iv) Manage the professional development plans and requirements for staff as needed. **Weight #3**

(c) One person may be the center director, assistant director, and the program supervisor when qualified for all positions, provided that all requirements of subsection (3)(a) and (b) of this section are met. **Weight NA**

(5) **Lead teachers** are responsible for implementing the center or family home early learning program. Lead teachers develop and provide a nurturing and responsive learning environment that meets the needs of enrolled children.

(a) A lead teacher must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Complete the applicable preservice requirements, pursuant to WAC 170-300-0105.

(b) A center lead teacher must meet the following requirements:

(i) Have an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or five years from being employed or promoted into this position at any licensed early learning program;

(ii) Progress towards an ECE short certificate or equivalent. A center lead teacher hired after this chapter becomes effective must have an ECE short certificate within two years of receiving an ECE initial certificate, or seven years from being employed or promoted into this position at any licensed early learning program; and

(iii) Have their professional development progress documented annually.

(c) A family home lead teacher must meet the following requirements:

(i) Have an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or from being

employed or promoted into this position at any licensed early learning program;

(ii) Prior to being in charge of their early learning program fifty percent or more of the time, a family home lead teacher must meet the qualifications of the family home licensee and complete or be registered in orientation training required in WAC 170-300-0105(1); and

(iii) Have their professional development progress documented annually. **Weight #4**

(6) **Assistant teachers** help a lead teacher or licensee provide instructional support to children and implement developmentally appropriate programs in center or family home early learning programs.

(a) An assistant teacher must meet the following qualifications:

(i) Be at least eighteen years old;

(ii) Have a high school diploma or equivalent; and

(iii) Have a minimum of an ECE initial certificate or equivalent as approved and verified in the electronic workforce registry by the department within five years of the date this section becomes effective, or from being employed or promoted to this position at any licensed early learning program;

(iv) Complete the applicable preservice requirements, pursuant to WAC 170-300-0105; and

(v) Have their professional development progress documented annually.

(b) Assistant teachers may work alone with children with regular, scheduled, and documented oversight and on-the-job classroom training from the classroom's assigned lead teacher who is primarily responsible for the care of the same group of children for the majority of their day.

(c) For continuity of care, assistant teachers can act as a substitute lead teacher up to two weeks. If longer than two weeks, the provider must notify the department with a plan to manage the classroom. **Weight #4**

(7) **Aides** provide classroom support to an assistant teacher, lead teacher, program supervisor, center director, assistant director, or family home licensee. Aides must meet the following qualifications:

(a) Be at least fourteen years old;

(b) Have a high school diploma or equivalent, or be currently enrolled in high school or an equivalent education program;

(c) Complete the applicable preservice requirements, pursuant to WAC 170-300-0105;

(d) Have their professional development progress documented annually; and

(e) Aides may be counted in the staff-to-child ratio if they are working under the continuous oversight of a lead teacher, program supervisor, center director, assistant director, assistant teacher, or family home licensee.

(i) Aides working nineteen hours per month or less can count towards ratio with applicable preservice requirements pursuant to WAC 170-300-0105 and without in-service training requirements pursuant to WAC 170-300-0107 (1)(a).

(ii) Aides who work twenty hours or more per month with a cumulative twelve months of employment must complete applicable preservice requirements pursuant to WAC 170-300-0105 and in-service training pursuant to WAC 170-300-0107 (1)(a). **Weight #3**

(8) **Other personnel** who do not directly care for children and are not listed in subsections (1) through (7) of this section must meet the following qualifications:

(a) Complete and pass a background check, pursuant to chapter 170-06 WAC, as hereafter recodified or amended;

(b) Have a negative TB test, pursuant to WAC 170-300-0105; and

(c) Complete program based staff policies and training, pursuant to WAC 170-300-0110. **Weight #3**

(9) **Volunteers** help at early learning programs. Volunteers must meet the following qualifications:

(a) Be at least fourteen years old (volunteers must have written permission to volunteer from their parent or guardian if they are under eighteen years old);

(b) Work under the continuous oversight of a lead teacher, program supervisor, center director, assistant director, assistant teacher, or family home licensee;

(c) Regular, ongoing volunteers may count in staff-to-child ratio if they:

(i) Complete and pass a background check, pursuant to chapter 170-06 WAC, as hereafter recodified or amended;

(ii) Complete a TB test, pursuant to WAC 170-300-0105;

(iii) Complete the training requirements, pursuant to WAC 170-300-0106;

(iv) Complete program based staff policies and training, pursuant to WAC 170-300-0110; and

(v) Have their professional development progress documented annually.

(d) Occasional volunteers must comply with (a) and (b) of this subsection. Occasional volunteers may include, but are not limited to, a parent or guardian helping on a field trip, special guest presenters, or a parent or guardian, family member, or community member helping with a cultural celebration. **Weight #4**

[]

NEW SECTION

WAC 170-300-0105 Preservice requirements. (1) All applicants, coapplicants, family home licensees, center directors, assistant directors, and program supervisors must complete a department provided orientation for the applicable early learning program. Prior to being in charge of the early learning program fifty percent of the time or more, those newly promoted or assuming a role of one of the roles listed here must complete or be registered in orientation training.

Weight #1

(2) Early learning providers and household members in a family home early learning program must complete a department background check, pursuant to chapter 170-06 WAC, as hereafter recodified or amended. **Weight #7**

(3) Early learning providers, including volunteers and household members in a family home early learning program ages fourteen and over, must provide documentation signed within the last twelve months by a licensed health care professional of tuberculosis (TB) testing or treatment consisting of:

(a) A negative TB symptom screen and negative TB risk assessment;

(b) A previous positive FDA-approved TB test and a current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program; or

(c) A positive symptom screening or a positive risk assessment with documentation of:

(i) A current negative FDA-approved TB test;

(ii) A previous or current positive FDA-approved TB test; and

(iii) A current negative chest radiograph and documentation of clearance to safely work or reside in an early learning program.

Weight #6

(4) Upon notification of TB exposure, early learning providers may be required to be retested for TB as directed by the local health jurisdiction. Weight NA

[]

NEW SECTION

WAC 170-300-0106 Training requirements. (1) Early learning providers licensed, working, or volunteering in an early learning program before the date this section becomes effective must complete the applicable training requirements of this section within three months of the date this section becomes effective unless otherwise indicated. Early learning providers hired after the date this section becomes effective must complete the training requirements of subsections (4) through (10) of this section within three months of the date of hire and prior to working in an unsupervised capacity with children. **Weight #1**

(2) License applicants and early learning providers must register with the electronic workforce registry prior to being granted an initial license or working with children in an unsupervised capacity. **Weight #1**

(3) License applicants, center directors, assistant directors, program supervisors, lead teachers, assistant teachers, and aides must complete the child care basics training as approved or offered by the department:

(a) Prior to being granted a license;

(b) Prior to working unsupervised with children; or

(c) Within three months of the date this section becomes effective if already employed or being promoted to a new role. **Weight #5**

(4) Early learning providers must complete the recognizing and reporting suspected child abuse, neglect, and exploitation training as approved or offered by the department according to subsection (1) of this section. Training must include the prevention of child abuse and neglect as defined in RCW 26.44.020 and mandatory reporting requirements under RCW 26.44.030. **Weight #7**

(5) Early learning providers must complete the emergency preparedness training as approved or offered by the department (applicable to the early learning program where they work or volunteer) according to subsection (1) of this section. **Weight #5**

(6) Early learning providers licensed to care for infants must complete the prevention and identifying shaken baby syndrome/abuse head trauma training as approved or offered by the department according to subsection (1) of this section. **Weight #6**

(7) Early learning providers must complete the serving children experiencing homelessness training as approved or offered by the department according to subsection (1) of this section. **Weight #5**

(8) License applicants and early learning providers licensed to care for infants must complete the safe sleep training as approved or offered by the department. This training must be completed annually and:

(a) Prior to being licensed;

(b) Prior to caring for infants; or

(c) According to subsection (1) of this section. **Weight #7**

(9) Family home licensees, center directors, assistant directors, program supervisors, lead teachers, and other appropriate staff members must complete the child restraint training as approved or offered by the department. This training must be completed annually; and:

(a) Prior to being authorized to restrain an enrolled child; or

(b) According to subsection (1) of this section. **Weight #6**

(10) Family home licensees, center directors, assistant directors, program supervisors, and lead teachers must complete the medication management and administration training as approved or offered by the department prior to giving medication to an enrolled child, or as indicated in subsection (1) of this section. **Weight #6**

(11) Early learning providers who directly care for children must complete the prevention of exposure to blood and body fluids training that meets Washington state department of labor and industries' re-

quirements prior to being granted a license or working with children. This training must be repeated pursuant to Washington state department of labor and industries regulations. **Weight #6**

(12) Early learning providers must have a current first-aid and cardiopulmonary resuscitation (CPR) certification prior to being alone with children. Early learning providers must ensure that at least one staff person with a current first-aid and CPR certificate is present with each group of children at all times.

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

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

(i) Be delivered in person and include a hands-on component for first aid and CPR demonstrated in front of an instructor certified by the American Red Cross, American Heart Association, American Safety and Health Institute, or other nationally recognized certification program;

(ii) Include child and adult CPR; and

(iii) Infant CPR, if applicable. **Weight #7**

(13) Early learning providers who prepare or serve food to children at an early learning program must obtain a current food worker card prior to preparing or serving food. Food worker cards must:

(a) Be obtained online or through the local health jurisdiction;

and

(b) Be renewed prior to expiring. **Weight #4**

[]

NEW SECTION

WAC 170-300-0107 In-service training. (1) An early learning provider must complete ten hours of annual in-service training after twelve months of cumulative employment.

(a) Family home licensees, center directors, assistant directors, program supervisors, lead teachers, and assistant teachers must complete the department enhancing quality of early learning (EQEL) in-service training within thirty-six months of being hired in a licensed facility, unless the provider has completed a department approved alternative training. EQEL hours may count towards the ten hours of annual in-service training.

(b) Every thirty-six months, following the completion of EQEL or a department approved alternative training, family home licensees, center directors, assistant directors, and program supervisors, must complete a minimum of ten hours of in-service training "child develop-

ment" and a minimum of ten hours of in-service training on "leadership practices."

(i) Child development training includes the following Washington state core competencies: Child growth and development, curriculum and learning environment, ongoing measurements of child progress, family and community partnerships, health, safety, nutrition, and interactions.

(ii) Leadership practices training includes the following Washington state core competencies: Program planning and development, professional development, and leadership. **Weight #4**

(2) In-service training requirements of this chapter may be met by completing college courses that align with the Washington state core competencies. These courses must be delivered by a postsecondary institution and approved by the department. **Weight NA**

(3) Only five in-service training hours may be carried over from one fiscal year to the next fiscal year. **Weight #4**

[]

NEW SECTION

WAC 170-300-0110 Program based staff policies and training. (1)

An early learning provider must have and follow written policies for

early learning program staff. Staff policies must include those listed in subsections (2) and (3) of this section and must be reviewed and approved by the department prior to issuing a provider's initial license. Providers must notify the department when substantial changes are made. **Weight #1**

(2) Early learning program staff policies must include, but are not limited to:

(a) All of the information in the parent or guardian handbook except fees;

(b) Job descriptions, pay dates, and benefits;

(c) Professional development expectations and plans;

(d) Expectations for attendance and conduct;

(e) Early learning program staff responsibilities for:

(i) Child supervision requirements, including preventing children's access to unlicensed space;

(ii) Child growth and development;

(iii) Developmentally appropriate curriculum;

(iv) Teacher-child interaction;

(v) Child protection, guidance, and discipline techniques;

(vi) Safe sleep practices, if applicable;

(vii) Food service practices;

(viii) Off-site field trips, if applicable;

(ix) Transporting children, if applicable;

(x) Health, safety, and sanitization procedures;

(xi) Medication management procedures;

(xii) Medical emergencies, fire, disaster evacuation and emergency preparedness plans;

(xiii) Mandatory reporting of suspected child abuse, neglect, and exploitation, per RCW 26.44.020 and 26.44.030 and all other reporting requirements;

(xiv) Implementation of child's individual health care or special needs plan;

(xv) Following nonsmoking, vaping, alcohol and drug regulations;

(xvi) Overnight care, if applicable;

(xvii) Religious, equity and cultural responsiveness;

(xviii) Nondiscrimination;

(xviii) Planned daily activities and routines.

(f) Staff responsibilities if the family home licensee, center director, assistant director, or program supervisor is absent from the early learning program;

(g) A plan that includes how both administrative and child care-taking duties are met when a job requires such dual responsibilities; and

(h) Observation, evaluation, and feedback policies. **Weight NA**

(3) An early learning provider must have and follow written policies requiring staff working, transitioning, or covering breaks with the same classroom or group of children to share applicable information with each other on a daily basis regarding:

(a) A child's health needs, allergies and medication;

(b) Any change in a child's daily schedule;

(c) Significant educational or developmental information;

(d) Any communications from the family; and

(e) Information to be shared with the family. **Weight #5**

(4) An early learning provider must develop, deliver, and document the delivery of early learning staff training specific to the early learning program and premises.

(a) Training topics must include:

(i) Staff policies listed in subsections (2) and (3) of this section;

(ii) Chapter 43.216 RCW; and

(iii) Chapters 170-300 and 170-06 WAC, as hereafter recodified or amended.

(b) Training must be updated with changes in program policies and state or federal regulations. **Weight #5**

[]

NEW SECTION

WAC 170-300-0111 Staff oversight. (1) An early learning provider who oversees staff must:

(a) Establish a work plan with clear expectations;

(b) Be aware of what staff members are doing; and

(c) Be available and able to respond in an emergency as needed to protect the health and safety of children in care. **Weight #6**

(2) When the family home licensee, center director, assistant director, program supervisor, lead teacher, or assistant teacher is the only staff supervising an aide or volunteer, the aide or volunteer may be out of the supervisor's visual and auditory range only when the aide, volunteer or supervisor is attending to personal needs. **Weight**

NA

[]

NEW SECTION

WAC 170-300-0115 Staff records. (1) An early learning provider must establish a records system for themselves, household members, staff, and volunteers that complies with the requirements of this chapter. Early learning program staff records must be:

(a) Verified by the licensee, center director, assistant director, or program supervisor;

(b) Entered and maintained in the electronic workforce registry, if applicable. Paper records may be discarded once entered into the electronic workforce registry and confirmed by the department;

(c) Updated to delete staff names from the electronic workforce registry when no longer employed at the early learning program; and

(d) Kept on-site or in the program's administrative office in a manner that allows the department to review the records. **Weight #1**

(2) Records for each early learning provider and staff member must include:

(a) First and last name;

(b) Date of birth;

(c) Job title;

(d) First and last day of employment, if applicable;

(e) Proof of professional credentials, requirements, and training for each early learning staff member, pursuant to WAC 170-300-0100 through 170-300-0110. **Weight #4**

(3) A licensee, center director, assistant director, or program supervisor must maintain the following records for each early learning provider and staff in a confidential manner. These records must be reviewable by the department and must include at a minimum:

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

(b) Emergency contact information;

(c) Completed employment application or resume;

(d) Annual observation, evaluation, and feedback information; and

(e) The licensee's Social Security number, federal EIN, or a written document stating the licensee does not possess either. **Weight #4**

[]

NEW SECTION

WAC 170-300-0120 Providing for personal, professional, and health needs of staff. (1) A licensee must provide for the personal and professional needs of staff by:

(a) Having a secure place to store personal belongings that is inaccessible to children;

(b) Having a readily accessible phone to use for emergency calls or to contact the parents of enrolled children; and

(c) Providing file and storage space for professional materials.

Weight #4

(2) An early learning provider must be excluded from the early learning premises when that provider's illness or condition poses a risk of spreading a harmful disease or compromising the health and safety of others. The illnesses and conditions that require a staff member to be excluded are pursuant to WAC 170-300-0205. Weight #6

(3) If a staff person has not been vaccinated, or has not shown documented immunity to a vaccine preventable disease, that person may be required by the local health jurisdiction or the department to remain off-site during an outbreak of a contagious disease described in WAC 246-110-010, as now and hereafter amended. Weight NA

(4) An early learning program's health policy, pursuant to WAC 170-300-0500, must include provisions for excluding or separating staff with a contagious disease described in WAC 246-110-010, as now and hereafter amended. Weight NA

[]