

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.

PROGRAM ADMINISTRATION AND OVERSIGHT LICENSING PROCESS

NEW SECTION

WAC 170-300-0401 License fees. (1) The rules establishing licensing fees within this chapter are adopted pursuant to RCW 43.216.300.

Weight NA

(2) The license fee is nonrefundable and is due:

(a) With the early learning applicant's initial license application packet; and

(b) Annually thereafter, thirty calendar days prior to the anniversary date of the license. Weight #1

(3) Payment must be in the form of a check, credit or debit card, or money order. Weight NA

(4) The annual fee for family home early learning programs is thirty dollars, or as otherwise set by the legislature. Weight NA

(5) The annual fee for center early learning programs is one hundred twenty-five dollars for the first twelve children plus twelve

dollars for each additional child, or as otherwise set by the legislature. **Weight NA**

[]

NEW SECTION

WAC 170-300-0402 Changing early learning program space or location. (1) An early learning provider must notify the department prior to making a change to early learning program space that may impact the health, safety, or welfare of enrolled children. Such changes include, but are not limited to:

(a) Moving early learning programs to a different residence, building, or facility (even if the new location is on the same premises);

(b) An early learning program altering a planned use of space including, but not limited to, the ages of children served in a room or previously unlicensed areas;

(c) Modifying facilities in a way that requires a permit under the Washington state building code or by a local jurisdiction, such as remodeling or renovating early learning program space; and

(d) Changing outdoor play areas, such as adding or altering the type of surface or altering stationary climbing or play equipment.

Weight #5

(2) An early learning provider must submit to the department the new proposed floor plan prior to making changes under subsection

(1)(a) through (c) of this section. Weight #5

(3) An early learning provider planning a change under subsection (1)(a) of this section must also:

(a) Submit a complete application, pursuant to WAC 170-300-0400, as soon as the provider plans to move and has an identified address, but not more than ninety calendar days before moving;

(b) Not significantly change or move a center early learning program until the department has first inspected the new location and determines it meets the requirements in this chapter and RCW 43.216.305; and

(c) Not operate a family home early learning program for more than two weeks following the move before having the department inspect the new location, pursuant to RCW 43.216.305. Weight #6

[]

NEW SECTION

WAC 170-300-0415 Zoning, codes, and ordinances. (1) The department adopts and incorporates by reference the Washington state building code (chapter 19.27 RCW), as now and hereafter amended. **Weight NA**

(2) Early learning program space must comply with the Washington state building code or local building code as enacted at the time of licensure. Facility modifications must comply with WAC 170-300-0402.

Weight #6

(3) Prior to licensing, an applicant must contact state, city, and local agencies that regulate the early learning program. An early learning provider must obtain regulations and comply with the direction given by such agencies. These agencies may include, but are not limited to, the Washington state department of labor and industries, the Washington state fire marshal, the Washington state department of health, and local health jurisdictions. **Weight NA**

(4) Prior to licensing, a center early learning applicant must:

(a) Have a certificate of occupancy issued by the local building, planning, or zoning department, or a local equivalent if locality does not have the certificate of occupancy; and

(b) Be inspected and approved by the state fire marshal. **Weight**

NA

[]

NEW SECTION

WAC 170-300-0420 Prohibited substances. (1) Chapter 70.160 RCW prohibits smoking in public places and places of employment. **Weight NA**

(2) Pursuant to RCW 70.160.050, an early learning provider must:

(a) Prohibit smoking, vaping, or similar activities in licensed indoor space, even during nonbusiness hours; **Weight #7**

(b) Prohibit smoking, vaping, or similar activities in licensed outdoor space unless:

(i) Smoking, vaping or similar activities occurs during nonbusiness hours; or

(ii) In an area for smoking or vaping tobacco products that is not a "public place" or "place of employment," as defined in RCW 70.160.020. **Weight #7**

(c) Prohibit smoking, vaping, or similar activities in motor vehicles used to transport enrolled children; **Weight #7**

(d) Prohibit smoking, vaping, or similar activities by any provider who is supervising children, including during field trips;

Weight #7

(e) Prohibit smoking, vaping, or similar activities within twenty-five feet from entrances, exits, operable windows, and vents, pursuant to RCW 70.160.075; Weight #5 and

(f) Post "no smoking or vaping" signs. Signs must be clearly visible and located at each building entrance used as part of the early learning program. Weight NA

(3) An early learning provider must:

(a) Prohibit any person from consuming or being under the influence of alcohol on licensed space during business hours;

(b) Prohibit any person within licensed space from consuming or being under the influence of illegal drugs or misused prescription drugs;

(c) Store any tobacco or vapor products, or the packaging of tobacco or vapor products in a space that is inaccessible to children;

(d) Prohibit children from accessing cigarette or cigar butts or ashes;

(e) Store any cannabis or associated paraphernalia out of the licensed space and in a space that is inaccessible to children; and

(f) Store alcohol in a space that is inaccessible to children (both opened and closed containers). **Weight #7**

(4) A center early learning provider must prohibit any person from using, consuming, or being under the influence of cannabis in any form on licensed space. **Weight #7**

(5) A family home early learning provider must prohibit any person from using, consuming, or being under the influence of cannabis products in any form on licensed space during business hours. **Weight #7**

[]

NEW SECTION

WAC 170-300-0425 Initial, nonexpiring, dual licenses, and license modification. (1) The department may issue an initial license when an early learning program applicant demonstrates compliance with health and safety requirements of this chapter but may not be in full compliance with all requirements, pursuant to RCW 43.216.315.

(a) An initial license is valid for six months from the date issued.

(b) At the department's discretion, an initial license may be extended for up to three additional six-month periods, not to exceed a total of two years.

(c) The department must evaluate the early learning provider's ability to follow requirements contained in this chapter during the initial license period. **Weight NA**

(2) The department may issue a nonexpiring license to a licensee operating under an initial license who demonstrates compliance with the requirements of this chapter during the period of initial licensure, pursuant to RCW 43.216.305. **Weight NA**

(3) A licensee must submit annual compliance documents at least thirty calendar days prior to that provider's anniversary date. A provider's anniversary date is the date the first initial license was issued. Pursuant to RCW 43.216.305, the required annual compliance documents are:

(a) The annual nonrefundable license fee;

(b) A declaration on the department's form indicating:

(i) The intent to continue operating a licensed early learning program;

(ii) The intent to cease operation as a licensed early learning program;

(iii) A change in the early learning program's operational hours or dates; and

(iv) The intent to comply with all licensing rules.

(c) Documentation of completed background check applications as determined by the department's established schedule, pursuant to RCW 43.216.270(2); and

(d) For each individual required to have a background check clearance, the early learning provider must verify current background checks or require the individual to submit a background check application at least thirty calendar days prior to the anniversary date.

Weight NA

(4) If a licensee fails to meet the requirements for continuing a nonexpiring license by their anniversary date, the licensee's current license expires. The early learning provider must submit a new application for licensure, pursuant to RCW 43.216.305(3). Weight NA

(5) Nothing about the nonexpiring license process in this section may interfere with the department's established monitoring practices, pursuant to RCW 43.216.305 (4)(a). Weight NA

(6) A licensee has no right to an adjudicative proceeding (hearing) to appeal the expiration, nonrenewal, or noncontinuation of a

nonexpiring license resulting from a failure to comply with the requirements of this section. **Weight NA**

(7) A licensee must have department approval to hold dual licenses (for example: An early learning program license and another care giving license, certification, or similar authorization). **Weight #6**

(8) If the department determines that a licensee is not meeting all applicable requirements and regulations:

(a) The department and licensee may agree to modify the child care license;

(b) The licensee may give up one of the licenses, certifications, or authorizations; or

(c) The department may suspend, deny, or revoke the early learning license, pursuant to RCW 43.216.325. **Weight NA**

(9) An early learning provider must report within twenty-four hours:

(a) To the department and local authorities: A fire or other structural damage to the early learning program space or other parts of the premises; **Weight #7**

(b) To the department:

(i) A retirement, termination, death, incapacity, or change of the program director, or program supervisor, or change of ownership or incorporation of a provider; **Weight #7**

(ii) When a provider becomes aware of a charge or conviction against themselves, a staff person or, applicable household member, pursuant to WAC 170-06-0043, as hereafter recodified or amended;

Weight #7

(iii) When a provider becomes aware of an allegation or finding of abuse, neglect, maltreatment, or exploitation of a child or vulnerable adult made against themselves, a staff person, or a household member, if applicable; **Weight #7**

(iv) A change in the number of household members living within a family home early learning program space. This includes individuals fourteen years old or older that move in or out of the home, or a resignation or termination, pursuant to RCW 43.216.390. A birth or death affecting the number of household members must be reported within twenty-four hours or at first opportunity; **Weight #3** and

(v) Any changes in the early learning program hours of operation to include closure dates. **Weight #3**

(10) Prior to increasing capacity of an early learning program, the licensee, center director, assistant director, or program supervi-

sor must request and be approved to increase capacity by the department. **Weight #5**

(11) Licensee, center director, assistant director, or program supervisor must have state fire marshal or department approval and comply with local building ordinances following a significant change under WAC 170-300-0402 (1)(a) through (c), if applicable. **Weight NA**

(12) Licensee, center director, assistant director, or program supervisor must notify the department within thirty calendar days when liability insurance coverage under RCW 43.216.700 has lapsed or been terminated. **Weight #4**

[]

NEW SECTION

WAC 170-300-0435 Waiver from department rules—WAC. (1) The department cannot waive a requirement of state law (RCW) or federal law. **Weight NA**

(2) Pursuant to RCW 43.216.065, the department may approve a waiver from a rule in this chapter if it does not jeopardize the health, safety, or welfare of the children in care. **Weight NA**

(3) An early learning provider's request for a waiver from a rule in this chapter must be:

(a) Submitted in writing on the department's form to the local licensing office;

(b) Approved in writing by the department director or the director's designee prior to the early learning provider implementing the waiver from the rule; and

(c) For a specific program need or child. **Weight #1**

(4) A granted waiver may be time specific or may remain in effect for as long as the early learning provider continues to comply with the conditions of the waiver. If the waiver from the rule is time limited, the provider must not exceed the time frame established by the department. **Weight NA**

(5) The department may revoke a granted waiver if a licensing rule which was considered in granting the waiver is materially altered or amended.

[]

NEW SECTION

WAC 170-300-0436 Variance from department rules—WAC. (1) The department cannot provide variance from a requirement in state (RCW) or federal law. **Weight NA**

(2) Upon written request of an applicant, licensee, center director, assistant director, or program supervisor, the department may grant a variance from a rule in this chapter if the proposed program alternative does not jeopardize the health, safety, or welfare of the children in care. **Weight NA**

(3) A request for variance from a rule in this chapter must be:

(a) Submitted in writing on the department's form to the local licensing office;

(b) Approved in writing by the department director or the director's designee prior to the early learning provider implementing the variance from the rule; and

(c) For a specific program approach or methodology. **Weight #1**

(4) A granted variance may be time specific or may remain in effect for as long as the early learning provider continues to comply with the conditions of the variance. If the variance from the rule is time limited, the provider must not exceed the time frame established by the department. **Weight NA**

(5) The department may revoke a granted variance if a licensing rule which was considered in granting the variance is materially altered or amended.

[]

NEW SECTION

WAC 170-300-0440 Facility licensing compliance agreements, nonreferral status, probationary license, and provider rights. (1) At the department's discretion, when an early learning provider is in violation of this chapter or chapter 43.216 RCW, a facility licensing compliance agreement (FLCA) may be issued in lieu of the department taking enforcement action. The FLCA must contain:

(a) A description of the violation and the law or rule that was violated;

(b) A proposed plan from the provider or a designee to comply with the law or rule;

(c) The date the violation must be corrected, determined by:

(i) The seriousness of the violation;

(ii) The potential threat to the health, safety, and well-being of the children in care; and

(iii) The number of times the early learning program has violated rules in this chapter or under chapter 43.216 RCW.

(d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date;

(e) The signature of the department licensor and the licensee.

Weight NA

(2) An early learning provider must return a copy of the completed FLCA to the department after corrective action has been completed and by the date indicated. Weight #1

(3) An early learning provider may request an internal review process regarding the violation of department rules pursuant to RCW 43.216.395. Weight #1

(4) In an enforcement action against an early learning program or provider, the provider has the right to:

(a) Refuse to accept or sign a FLCA.

(b) Refuse to agree to a probationary license. Weight NA

(5) If an early learning provider refuses a FLCA or probationary license, this may result in any of the following enforcement actions:

(a) Modification of the license;

(b) Noncontinuation of a nonexpiring license;

(c) Suspension of the license;

(d) Revocation of the license; or

(e) Civil penalties. Weight NA

(6) The department may place an early learning provider on nonreferral status, pursuant to RCW 43.216.325(4), in addition to or in lieu of an enforcement action under this chapter. **Weight NA**

(7) A probationary license may be issued to an early learning provider or program operating under a nonexpiring license as part of a corrective action plan. Prior to issuing a probationary license, the department must refer the program or provider for technical assistance, pursuant to RCW 43.216.320(2). **Weight NA**

(8) A department decision to issue a probationary license is based on an early learning program or provider's:

(a) Negligent or intentional noncompliance with the licensing rules;

(b) History of noncompliance with licensing rules;

(c) Current noncompliance with licensing rules;

(d) Fire safety inspection or health and sanitation inspection report that failed to gain approval;

(e) Use of unauthorized space for child care;

(f) Inadequate supervision of children;

(g) Understaffing for the number of children in care;

(h) Noncompliance with requirements addressing children's health, proper nutrition, discipline, emergency medical plan, sanitation or personal hygiene practices; and

(i) Any other factors relevant to the specific situation and consistent with the intent or purpose of chapter 43.216 RCW. **Weight NA**

(9) When the department issues a probationary license, the early learning provider must:

(a) Provide notice of the probationary license and a copy of the department's probationary licensing agreement to the parents or guardians of enrolled children within five business days of receiving the probationary license; **Weight #1**

(b) Provide documentation to the department that parents or guardians of enrolled children have been notified within ten business days of receiving the probationary license; **Weight #1**

(c) Inform new parents or guardians of the probationary status before enrolling new children into care; **Weight #1**

(d) Return the early learning program's nonexpiring license to the department; **Weight #1** and

(e) Post documentation of the approved written probationary license as required by RCW 43.216.687. **Weight NA**

(10) Pursuant to RCW 43.216.689, an early learning provider must have inspection reports and notices of enforcement actions for the past three years readily available for review by the department, parents, and the public. **Weight #1**

[]

NEW SECTION

WAC 170-300-0443 Enforcement actions, notice, and appeal. (1)

Pursuant to RCW 43.216.325, the department is authorized to take enforcement actions when an early learning provider fails to comply with this chapter or chapter 43.216 RCW. Enforcement actions are taken pursuant to RCW 43.216.020, 43.216.065, and 43.216.250. Enforcement actions include civil monetary penalties (fines) and the denial, suspension, revocation, modification, or nonrenewal of a license. **Weight NA**

(2) An early learning provider subject to an enforcement action has the right to appeal by requesting an adjudicative proceeding (or "hearing") pursuant to chapter 170-03 WAC, DEL hearing rules, as hereafter recodified or amended. **Weight NA**

(3) The department must issue a notice of violation to an early learning provider when taking enforcement actions. A notice of viola-

tion must be sent by certified mail or personal service and must include:

- (a) The reason why the department is taking the action;
- (b) The rules the provider failed to comply with;
- (c) The provider's right to appeal enforcement actions; and
- (d) How the provider may appeal and request a hearing. **Weight NA**

(4) Fines shall not exceed two hundred fifty dollars per day per violation for center early learning programs or one hundred fifty dollars per day per violation for family home early learning programs, or as otherwise set by the legislature. Fines may be:

(a) Assessed and collected with interest for each day a violation occurs;

(b) Imposed in addition to other enforcement actions; and

(c) Withdrawn or reduced if an early learning provider comes into compliance during the notification period. **Weight NA**

(5) An early learning provider must pay fines within twenty-eight calendar days after receiving a notice of violation unless:

(a) The office of financial recovery establishes a payment plan for the provider; or

(b) The provider requests a hearing, pursuant to chapter 170-03 WAC, DEL hearing rules, as hereafter recodified or amended, and RCW 43.216.335(3). **Weight NA**

(6) The department may suspend or revoke a license if an early learning provider fails to pay a fine within twenty-eight calendar days or becomes delinquent in making payments, pursuant to RCW 43.216.327 and 43.216.335. If a provider's license is due for annual compliance, the department may elect not to continue the license for failure to pay a fine. **Weight NA**

[]

RECORDS, POLICIES, REPORTING AND POSTING

NEW SECTION

WAC 170-300-0450 Parent or guardian handbook and related policies. (1) An early learning provider must supply to each parent or guardian written policies regarding the early learning program. Each enrolled child's record must have signed documentation stating the parent or guardian reviewed the handbook and early learning program policies. **Weight #3**

(2) An early learning provider must have and follow formal written policies in either paper or electronic format, including:

(a) A nondiscrimination statement;

(b) A family engagement and partnership communication plan;

(c) A parent or guardian's permission for photography, videotaping, or surveillance of his or her child;

(d) Alcohol, tobacco, cannabis use and prohibition of illegal drugs;

(e) Curriculum philosophy on how children learn and develop, and how this philosophy is implemented;

(f) Child guidance plan, which includes restraint policies and forbidding corporal punishment;

(g) Expulsion policy;

(h) Early learning program staff-to-child ratios and classroom types offered, if applicable;

(i) If the early learning program offers any of the following, they must include a policy for each that applies to their program:

(i) Care for children with specific or special needs;

(ii) Infant and toddler care, covering:

(A) Diapering;

(B) Feeding;

(C) Toilet training;

(D) Child sleep pattern; and

(E) Safe sleep requirements.

(iii) Dual language learning;

(iv) Religious and cultural activities, including how holidays

will be celebrated;

(v) Transportation and off-site field trips;

(vi) Water activities;

(vii) Overnight care; and

(viii) How weapons on the premises are secured.

(j) Program days and hours of operation, including closure dates

and observed holidays;

(k) Enrollment and disenrollment requirements;

(l) Fees and payment plans;

(m) Sign-in and sign-out requirements;

(n) Information required for the child's record, including:

(i) The importance and plan for keeping the information current;

(ii) A plan to keep the child's information confidential; and

(iii) Who may legally access the child's information.

(o) A kindergarten transition plan, if applicable;

(p) What parents or guardians must supply for their child (for example: Extra clothing or diapers);

(q) Permission for a parent or guardian's access to areas of the early learning program during business hours;

(r) Termination of services policy;

(s) Emergency preparedness plan;

(t) The early learning provider and program staff's duty to report incidents including reporting suspected child abuse, neglect, sexual abuse, or maltreatment;

(u) Policies regarding mixed age groups, if applicable (including when children may be in a mixed age group);

(v) Description of where the parent or guardian may find and review the early learning program's:

(i) Health policy;

(ii) Staff policies, if applicable;

(iii) Consistent care policy;

(iv) Menus;

(v) Liability insurance;

(vi) Inspection reports and notices of enforcement actions, if applicable; and

(vii) Other relevant program policies. **Weight #4**

[]

NEW SECTION

WAC 170-300-0455 Attendance records. (1) An early learning provider may keep a child in care up to a maximum of ten hours each day. If needed, the maximum time may be extended based upon the parent or guardian's work, an agreed upon alternate schedule, or travel to and from the early learning program. **Weight #1**

(2) An early learning provider must keep daily child attendance records, either in paper or electronic format, for each child (including the children of staff in the program). These records must be easily accessible and kept on-site or in the program's administrative office for department review. These records must clearly document:

(a) The name of the child;

(b) The date of care;

(c) Child arrival and departure times from the early learning program;

(d) Signature or electronic signature of parent, guardian or other authorized person at the time of arrival and departure; and

(e) A staff signature when a child leaves the early learning program to attend school or participate in off-site activities not offered by the early learning program. **Weight #4**

(3) An early learning provider must keep daily staff attendance records for each center classroom or family home program. These attendance records must be on paper or in an electronic format and clearly document:

(a) The name of each staff member (including staff assigned to care for children with special needs and one-on-one care) and volunteers;

(b) The number of children in each classroom or family home program;

(c) The staff-to-child ratio;

(d) The date; and

(e) Start and end times of the assigned staff or volunteers.

Weight #1

(4) If the attendance records are kept electronically, the electronic system must:

(a) Record either an electronic signature, swipecard, personal identification number (PIN), biometric reader, or similar action by the parent or authorized person when signing the child in or out of

care (or staff notation of who picked up or dropped off along with time in and out if authorized person does not have electronic signature, swipe card, PIN, biometric reader or similar action);

(b) Ensure the authenticity, confidentiality, integrity, security, accessibility, and protection against disproof of the electronic records;

(c) Be able to produce an authentic, verifiable and uniquely identified written record for each transaction;

(d) Be able to authenticate (prove the identity of) the sender of the record and ensure that the electronic record has not been altered;

(e) Be able to capture an electronic record for each transaction conducted;

(f) Be able to retain the electronic record in an accessible form for their legal minimum retention period;

(g) Be able to search and retrieve electronic records in the normal course of business; and

(h) Be able to perform in an accurate, reliable, and consistent manner in the normal course of business. **Weight #1**

(5) Electronic attendance records must contain information necessary to reproduce the entire electronic record and associated signa-

tures in a form that permits a person viewing or printing the entire electronic record to verify:

- (a) The contents of the electronic record;
- (b) The person signing the electronic record; and
- (c) The date signatures were executed. **Weight #1**

[]

NEW SECTION

WAC 170-300-0460 Child records. (1) An early learning provider must keep current individualized enrollment and health records for all enrolled children, including children of staff, updated annually or more often as health records are updated.

(a) A child's record must be kept in a confidential manner but in an area easily accessible to staff.

(b) A child's parent or guardian must be allowed access to all of his or her own child's records. **Weight #4**

(2) Each child's enrollment record must include the following:

(a) The child's birth date;

(b) An enrolled child's parent or phone numbers, address, and contact information for reaching the family while the child is in care;

(c) Emergency contact information. If no emergency contact is available, a written and signed emergency contact plan may be accepted;

(d) Names and phone numbers of persons authorized to pickup enrolled children;

(e) A plan for special or individual needs of the child, if applicable, including parent or guardian signature, pursuant to WAC 170-300-0300;

(f) Signed parent or guardian permissions, pursuant to WAC 170-300-0450 as applicable for:

(i) Field trips;

(ii) Transportation;

(iii) Bathing;

(iv) Water activities including swimming pools or other bodies of water; and

(v) Photo, video, or surveillance activity.

(g) The beginning and end enrollment date for children no longer in the early learning program's care;

(h) A parent or guardian approved plan for use of physical restraint and documentation of parental or guardian notification;

(i) Expulsion information, documentation, and steps taken to avoid expulsion;

(j) Termination of services documentation and communication; and

(k) Notification of child developmental screening information given to the child's parent or guardian, if applicable. **Weight #5**

(3) Each child's health record and the information described in subsection (2)(a) through (e) of this section must be available to staff for medical administration or emergencies. **Weight #7**

(4) A health record is required for every child who is enrolled and counted in an early learning program's capacity. A health record must include:

(a) An immunization record, pursuant to WAC 170-300-0210(1);

(b) The child's health history including any known health conditions and the child's individual care plan, if applicable;

(c) A medication authorization and administration log, pursuant to WAC 170-300-0215, if applicable;

(d) Documentation of special medical procedure training by parent or guardian, if applicable;

(e) Medical and dental care provider names and contact information or what facility the parent or guardian would prefer for treatment;

(f) Dates of the child's last physical exam and dental exam, if available;

(g) Consent to seek medical care and treatment of the child in the event of injury or illness, signed by the child's parent or guardian;

(h) Signed parent or guardian permission for visiting health professionals who provide direct services to children at the early learning program;

(i) An incident or injury report that includes:

(i) The date and description of the child's incident or injury;

(ii) Treatment provided to the child while in care;

(iii) The names of the early learning program staff providing the treatment; and

(iv) Evidence that a copy of the incident or injury report was given to the child's parent or guardian.

(j) Documentation that a provider reported food poisoning or contagious diseases to the local health jurisdiction or the department of health, if applicable. **Weight #5**

[]

NEW SECTION

WAC 170-300-0470 Emergency preparedness plan. (1) An early learning provider must have and follow a written emergency preparedness plan. The plan must be reviewed and approved by the department prior to when changes are made. Emergency preparedness plans must:

(a) Be designed to respond to fire, natural disasters, and other emergencies that might affect the early learning program;

(b) Be specific to the early learning program and able to be implemented during hours of operation;

(c) Address what the provider would do if he or she has an emergency and children may be left unsupervised;

(d) Address what the early learning program must do if parents are not able to get to their children for up to three days;

(e) Must follow requirements in chapter 212-12 WAC, Fire marshal standards, as now or hereafter amended and the state fire marshal's office requirements if a center early learning program;

(f) Be reviewed at program orientation, annually with all early learning program staff with documented signatures, and when the plan is updated; and

(g) Be reviewed with parents or guardians when a child is enrolled and when the plan is updated. **Weight #5**

(2) The written emergency preparedness plan must cover at a minimum:

(a) Disaster plans, including fires that may require evacuation:

(i) An evacuation floor plan that identifies room numbers or names of rooms, emergency exit pathways, emergency exit doors, and for family home based programs, emergency exit windows if applicable;

(ii) Methods to be used for sounding an alarm and calling 911;

(iii) Actions to be taken by a person discovering an emergency;

(iv) How the early learning provider will evacuate children, especially those who cannot walk independently. This may include infant evacuation cribs (for center early learning programs), children with disabilities, functional needs requirements, or other special needs;

(v) Where the alternate evacuation location is;

(vi) What to take when evacuating children, including:

(A) First-aid kit(s);

(B) Copies of emergency contact information;

(C) Child medication records; and

(D) Individual children's medication, if applicable.

(vii) How the provider will maintain the required staff-to-child ratio and account for all children;

(viii) How parents or guardians will be able to contact the early learning program; and

(ix) How children will be reunited with their parents or guardians after the event.

(b) Earthquake procedures including:

(i) What a provider will do during an earthquake;

(ii) How a provider will account for all children; and

(iii) How a provider will coordinate with local or state officials to determine if the licensed space is safe for children after an earthquake.

(c) Public safety related lockdown scenarios where an individual at or near an early learning program is harming or attempting to harm others with or without a weapon. This plan must include lockdown of the early learning program or shelter-in-place steps including:

(i) How doors and windows will be secured to prevent access, if needed; and

(ii) Where children will safely stay inside the early learning program.

(d) How parents or guardians will be contacted after the emergency ends. **Weight #4**

(3) An early learning provider must keep on the premises a three day supply of food, water, and life-sustaining medication for the licensed capacity of children and current staff for use in case of an emergency. **Weight #4**

(4) An early learning provider must practice and record emergency drills with staff and children as follows:

(a) Fire and evacuation drill once each calendar month;

(b) Earthquake, lockdown, or shelter-in-place drill once every three calendar months;

(c) Emergency drills must be conducted with a variety of staff and at different times of the day, including in the evening and during overnight hours for early learning programs that care for children during those hours; and

(d) Drills must be recorded on a department form and include:

(i) The date and time of the drill;

(ii) The number of children and staff who participated;

(iii) The length of the drill; and

(iv) Notes about how the drill went and how it may be improved.

Weight #6

(5) In areas where local emergency plans are already in place, such as school districts, an early learning program may adopt or amend such procedures when developing their own plan. **Weight NA**

[]

NEW SECTION

WAC 170-300-0475 Duty to protect children and report incidents.

(1) Pursuant to RCW 26.44.030, when an early learning provider has reasonable cause to believe that a child has suffered abuse or neglect, that provider must report such incident, or cause a report to be made, to the proper law enforcement agency or the department.

"Abuse or neglect" has the same meaning here as in RCW 26.44.020.

Weight #8

(2) An early learning provider must report by phone upon knowledge of the following to:

(a) Law enforcement or the department at the first opportunity, but in no case longer than forty-eight hours:

(i) The death of a child while in the early learning program's care or the death from injury or illness that may have occurred while the child was in care;

(ii) A child's attempted suicide or talk about attempting suicide;

(iii) Any suspected physical, sexual or emotional child abuse;

(iv) Any suspected child neglect, child endangerment, or child exploitation;

(v) A child's disclosure of sexual or physical abuse; or

(vi) Inappropriate sexual contact between two or more children.

(b) Emergency services (911) immediately, and to the department within twenty-four hours:

(i) A child missing from care, triggered as soon as staff realizes the child is missing;

(ii) A medical emergency that requires immediate professional medical care;

(iii) A child who is given too much of any oral, inhaled, or injected medication;

(iv) A child who took or received another child's medication;

(v) A fire or other emergency;

(vi) Poisoning or suspected poisoning; or

(vii) Other dangers or incidents requiring emergency response.

(c) Washington poison center immediately after calling 911, and to the department within twenty-four hours:

(i) A poisoning or suspected poisoning;

(ii) A child who is given too much of any oral, inhaled, or injected medication; or

(iii) A child who took or received another child's medication;

(iv) The provider must follow any directions provided by Washington poison center.

(d) The local health jurisdiction or the department of health immediately, and to the department within twenty-four hours about an occurrence of food poisoning or reportable contagious disease as defined in chapter 246-110 WAC, as now or hereafter amended;

(e) The department at the first opportunity, but in no case longer than twenty-four hours, upon knowledge of any person required by chapter 170-06 WAC, as hereafter recodified or amended, to have a change in their background check history due to:

(i) A pending charge or conviction for a crime listed in chapter 170-06 WAC, as hereafter recodified or amended;

(ii) An allegation or finding of child abuse, neglect, maltreatment or exploitation under chapter 26.44 RCW or chapter 388-15 WAC;

(iii) An allegation or finding of abuse or neglect of a vulnerable adult under chapter 74.34 RCW; or

(iv) A pending charge or conviction of a crime listed in the director's list in chapter 170-06 WAC, as hereafter recodified or amended, from outside Washington state, or a "negative action" as defined in RCW 43.216.010. **Weight #8**

(3) In addition to reporting to the department by phone or email, an early learning provider must submit a written incident report of the following on a department form within twenty-four hours:

(a) Situations that required an emergency response from emergency services (911), Washington poison center, or department of health;

(b) Situations that occur while children are in care that may put children at risk including, but not limited to, inappropriate sexual touching, neglect, physical abuse, maltreatment, or exploitation; and

(c) A serious injury to a child in care. **Weight #5**

(4) An early learning provider must immediately report to the parent or guardian:

(a) Their child's death, serious injury, need for emergency or poison services; or

(b) An incident involving their child that was reported to the local health jurisdiction or the department of health. **Weight #9**

[]

NEW SECTION

WAC 170-300-0480 Transportation and off-site activity policy. (1)

An early learning provider must have and follow a transportation and off-site activity policy for personal or public transportation service, or nonmotorized travel offered to children in care.

(a) The transportation and off-site activity policy must include routine trips, which must not exceed two hours per day for any individual child.

(b) Written parent or guardian authorization to transport the parent or guardian's child. The written authorization must be:

(i) A specific event, date, and anticipated travel time;

(ii) A specific type of trip (for example, transporting to and from school, or transporting to and from a field trip); or

(iii) A full range of trips a child may take while in the early learning provider's care.

(c) Written notices to parents or guardians, to be given at least twenty-four hours before field trips are taken. **Weight #6**

(2) During travel to an off-site activity, an early learning provider must:

(a) Have the health history, appropriate medication (if applicable), emergency information, and emergency medical authorization forms accessible for each child being transported;

(b) Have a phone to call for emergency help;

(c) Have a complete first-aid kit;

(d) Maintain the staff-to-child ratio, mixed groupings, and active supervision requirements;

(e) Have at least one staff member currently certified in first aid and CPR supervise children;

(f) Take attendance using a roll call or other method that assures all children are accounted for each time children begin and end travel to an off-site activity, and every time children enter and exit a vehicle; and

(g) Never leave children unattended in the vehicle. **Weight #7**

(3) When an early learning provider supplies the vehicle to transport children in care, the program and provider must:

(a) Follow chapter 46.61 RCW, Rules of the road, and other applicable laws regarding child restraints and car seats;

(b) Assure that the number of passengers does not exceed the seating capacity of the vehicle;

(c) Maintain the vehicle in good repair and safe operating condition;

(d) Maintain the vehicle temperature at a comfortable level to children;

(e) Assure the vehicle has a current license and registration as required by Washington state transportation laws;

(f) Assure the vehicle has emergency reflective triangles or other devices to alert other drivers of an emergency;

(g) Assure the driver has a valid driver's license for the type of vehicle being driven and a safe driving record for at least the last five years;

(h) Prevent any driver with a known condition that would compromise driving, supervision, or evacuation capabilities from operating program vehicles; and

(i) Have a current insurance policy that covers the driver, the vehicle, and all occupants. **Weight #6**

[]

NEW SECTION

WAC 170-300-0485 Termination of services policy. An early learning provider may terminate a child's services due to that child's par-

ent or guardian's inability to meet the expectations and requirements of the early learning program. Expectations and requirements of the program may include unpaid bills, continual late arrivals, or a parent, guardian or family member's inappropriate or unsafe behavior in or near early learning program space. **Weight NA**

[]

NEW SECTION

WAC 170-300-0486 Expulsion policy. (1) An early learning provider must have and follow an expulsion policy, pursuant to WAC 170-300-0340. **Weight NA**

(2) An expulsion policy must:

(a) Provide examples of behavior that could lead to expulsion from the early learning program;

(b) Detail steps the provider takes to avoid expelling a child including, but not limited to, environmental and staffing changes;

(c) Detail how the provider communicates to the parent or guardian of a child the steps taken under (b) of this subsection; and

(d) Include information that may benefit an expelled child including, but not limited to, community based resources. **Weight NA**

[]

NEW SECTION

WAC 170-300-0490 Child restraint policy. (1) An early learning provider must have and follow a child restraint policy that contains behavior management and practices, pursuant to WAC 170-300-0335.

Weight NA

(2) A restraint policy must be:

(a) Appropriate for children's developmental level, abilities, and language skills;

(b) Directly related to the child's behavior; and

(c) Designed to be consistent, fair, and positive. Weight #4

(3) Family home licensees, center directors, assistant directors, program supervisors, lead teachers and other appropriate staff members must be trained annually in the program's child restraint policy.

Weight NA

(4) Only trained staff may restrain a child in care in accordance with WAC 170-300-0335. Weight NA

[]

NEW SECTION

WAC 170-300-0495 Consistent care policy. (1) An early learning program must have and follow a policy that promotes the consistent care of children. **Weight NA**

(2) When possible, an early learning provider must be assigned to work with a consistent group of children for much of the day with a goal of building long-term, trusting relationships. **Weight NA**

[]

NEW SECTION

WAC 170-300-0500 Health policy. (1) An early learning provider must have and follow a written health policy reviewed and approved by the department that includes the topics listed in subsection (2) of this section. The health policy must be reviewed and approved by the department when changes are made, and as otherwise necessary. **Weight NA**

(2) An early learning program's health policy must meet the requirements of this chapter including, but not limited to:

(a) A prevention of exposure to blood and body fluids plan;

- (b) Meals, snacks, and food services including guidelines for food allergies and food brought from home;
- (c) Handwashing and hand sanitizer use;
- (d) Observing children for signs of illness daily;
- (e) Exclusion and return of ill children, staff, or any other person in the program space;
- (f) Contagious disease notification;
- (g) Medical emergencies, injury treatment and reporting;
- (h) Immunization tracking;
- (i) Medication management, storage, administration and documentation;
- (j) Care for pets and animals that have access to licensed space and the health risks of interacting with pets and animals;
- (k) How general cleaning will be provided and how areas such as food contact surfaces, kitchen equipment, toys, toileting equipment, and laundry will be cleaned, sanitized and disinfected;
- (l) Pest control policies;
- (m) Caring for children with special needs or health needs, including allergies, as listed in the child's record; and
- (n) Dental hygiene practices and education. **Weight NA**

[]

NEW SECTION

WAC 170-300-0505 Postings. (1) Postings listed in subsection (2) of this section that are part of an early learning program must be clearly visible to parents, guardians, and early learning program staff. **Weight #4**

(2) Postings on early learning premises must include:

(a) The child care license, pursuant to WAC 170-300-0010;

(b) Floor plan with emergency routes and exits identified in each child care area, pursuant to WAC 170-300-0400 (1)(b)(i) and 170-300-0470 (2)(a)(i);

(c) Dietary restrictions, known allergies, and nutrition requirements, if applicable, in a location easily accessible for staff but not available to those who are not parents or guardians of the enrolled child, pursuant to WAC 170-300-0186(8);

(d) Handwashing practices at each handwashing sink, pursuant to WAC 170-300-0200(1);

(e) If applicable, diaper changing or stand-up diapering procedure at each diapering station, pursuant to WAC 170-300-0220 and 170-300-0221 (1)(d);

(f) Pesticide treatment, if applicable, pursuant to RCW

43.216.280 and 17.21.410 (1)(d);

(g) Emergency numbers and information including, but not limited to:

(i) 911 or emergency services number;

(ii) Name, address and directions from the nearest arterial street or nearest cross street to the facility;

(iii) The department's toll-free number;

(iv) Washington poison center toll-free number; and

(v) The department's child protective services.

(h) The location of emergency medical information for children and staff;

(i) A notice of any current or pending enforcement action, including probationary licenses pursuant to RCW 43.216.687. Notice must be posted:

(i) Immediately upon receipt; and

(ii) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer.

(j) A notice of safe sleep violation in the licensed space as required by WAC 170-300-0291(2), if applicable;

(k) "No smoking" and "no vaping" signs, pursuant to WAC 170-300-0420 (2)(f);

(l) A copy of a department approved waiver or variance from a rule of this chapter, if applicable. Waivers or variances must be posted for parent or guardian view when related to the overall program (not related to any specific child), and as long as the waiver or variance is approved;

(m) Insurance coverage, or a lapse or termination of such coverage if applicable, pursuant to RCW 43.216.700; and

(n) Any other information listed in RCW 43.216.687. **Weight NA**

[]