



Family home child care licensing rules fast facts March 15, 2012

Washington **ranks second in the nation** for the quality of our family home child care licensing rules (National Association of Child Care Resource & Referral Agencies [2012 Leaving Children to Chance](#)). The updated family home rules, which go into effect on March 31, 2012, refine and build upon the family home rules last updated in 2004.

This overview includes information about:

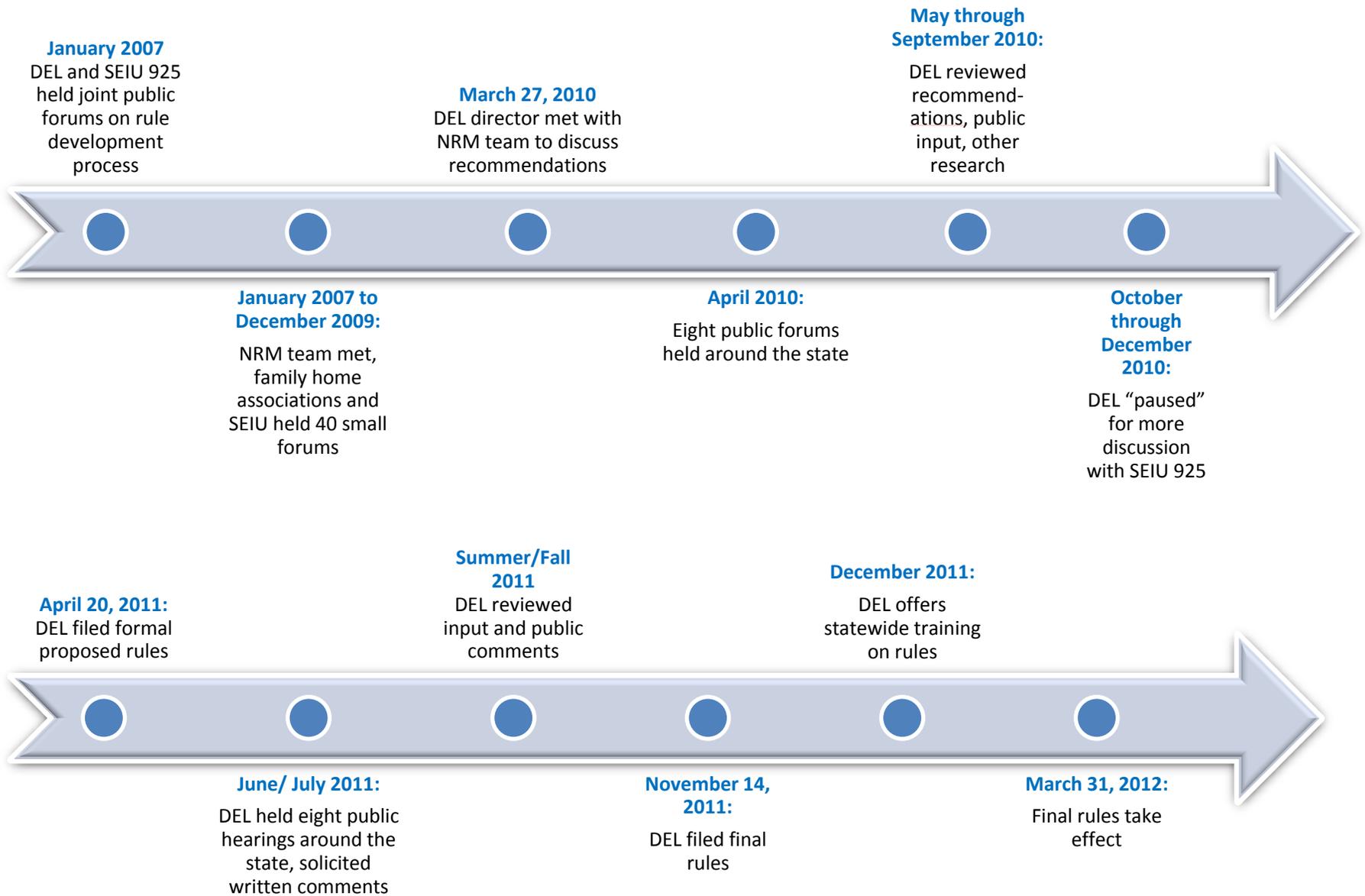
- The rule making process, timeline, and ongoing communications with providers
- Specific rumors, concerns and facts about the updated rules

About the negotiated rule making process

The Legislature in the 2007-2009 state operating budget required DEL to enter into negotiated rule making with SEIU 925. The family home rules had last been updated in 2004. DEL had heard many concerns that the rules were unclear and didn't reflect the most recent child development and child safety research. DEL's goal was to help ensure the rules are child-focused and strike the right balance between safe, healthy and quality child care and being mindful that family home providers are offering child care in their personal home.

Between January 2007 and December 2009, a group of family home child care providers, SEIU 925 representatives, the Department of Early Learning (DEL) staff and others met 29 times to review the family home child care licensing rules, review national research and best practice, and make comprehensive recommendations to DEL Director Bette Hyde.

The following timeline sums up the intensive and inclusive rulemaking process. In January 2010, as we were poised to go out for public comment on draft rules, SEIU 925 raised some concerns about the rules and DEL chose to slow down the process so that we could talk more with the union and confirm current research. The final date on the timeline is the rules taking effect at the end of March. However, we will continue to provide information and support on the new rules for providers.



Communicating with providers, DEL licensors about the updated rules

Over the past year, DEL has:

- Sent eight messages on our licensed child care provider email listserv.
- Held eight public hearings around the state on the rules.
- Conducted a webinar training available statewide in December ([video is posted on](#) our website).
- Posted a frequently asked questions document and other information about the rules process [on our website](#).
- Posted [a video of Bette speaking about the rules](#).
- Presented at family home child care association meetings upon request:
 - January 11 - Pierce Family Child Care Association
 - February 21 - Sultan Family CC Association
 - March 3 - North King County Family CC Association
 - March 17 - East King County Family CC Association
 - May 15 - Benton Franklin Family Home CC Association (to be confirmed)
 - March 5 - Columbia River Family Home Association
 - March 6 - Clark County FH Association
 - March 12 - Benton Franklin Family Home CC Association (This was only regarding CPS reporting and the new reporting WAC. They are interested in additional training on the new WAC.)
 - May 21 - Spanish Home Providers Association
- Included occasional updates on the rules process in our [external newsletter \(DEL Update\)](#).

Between now and March 31, 2012, DEL will:

- Send a memo to DEL licensing staff to help ensure they support providers in successfully implementing updated rules
- Hold an all-staff conference call in mid-March with DEL director to communicate expectations, support
- Develop template forms for use by the providers

On an ongoing basis, DEL will:

- Develop a family home child care rules guidebook to overlay practice with rules (expected to be available later in 2012)
- Develop a feedback loop to help ensure issues and concerns are relayed from providers to licensors to DEL licensing oversight policy staff
- Share information with providers on scholarships, incentives and other supports to help them as small business owners

Specific rumors, concerns and facts about the updated rules

DEL agreed to more than 90 percent of the negotiated rule making team’s recommendations. After more discussion with SEIU 925, DEL agreed to additional changes, including only restricting smoking in the licensed child care space during operating hours; and changing the supervision requirement to sight OR sound, not sight AND sound.

Since making the final rules available in November 2011, we have heard the most concern and misinformation about the following six issues. The following table includes the WAC citation, the rumors we have heard, and the facts about:

- Lighting safety
- Philosophy of child care
- Food handler permit
- Provider education
- Playground equipment
- Emergency exit platforms

Issue	What’s in the new rules	Concern	Facts
Lighting safety	<p>WAC 170-296A-4375 Lighting safety. (1) When ceiling-mounted light fixtures are in the licensed space accessible to children, the licensee must provide one or more of the following:</p> <p>(a) Shatter-resistant covers;</p> <p>(b) Shatter-resistant light bulbs; or</p> <p>(c) Otherwise make the light fixtures safe.</p> <p>(2) The licensee must not:</p> <p>(a) Allow bare light bulbs in any play space;</p> <p>(b) Use lights or light fixtures indoors that are intended or recommended for outdoor use; or</p> <p>(c) Use halogen lamps in any area accessible to children during operating hours.</p>	<p>That all light bulbs in the house have to be shatter-resistant.</p> <p>That shatter-resistant light bulbs are expensive.</p>	<p>Bare bulbs are not permitted in play spaces. If a provider does have bare bulbs, whether incandescent or florescent, they must be shatter-resistant.</p> <p>Table lamps with shades are acceptable.</p> <p>Recessed lighting is acceptable.</p> <p>We are encouraging providers to visit with their licenser before purchasing shatter-resistant light bulbs. It may be that their planned implementation for their unique family child care goes beyond what the rule would reasonably require.</p> <p>If a provider does have bare bulbs in play space, the Home Depot offers energy-efficient shatter-resistant light bulbs for between \$5.97 and \$7.97.</p>

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<p>Philosophy of child care</p>	<p>WAC 170-296A-2175 Materials that must be posted. The following must be posted in the licensed space during operating hours and clearly visible to the parents, guardians and staff:</p> <p>(1) A statement of the licensee's philosophy of child development;</p> <p>WAC 170-296A-2375 Parent/guardian policies (handbook). The licensee's written parent/guardian policies (handbook) must include:</p> <p>(5) Program philosophy (the licensee's view of child learning and development);</p>	<p>That if DEL licensors don't like providers' statements of philosophy of care and development, we will close them down.</p>	<p>Licensors are only looking to confirm a statement is posted and included in the parent/guardian handbook. They are not assessing the quality of the statement. It could be just a few sentences, and there is no "right or wrong" answer.</p> <p>Many providers already have this in their existing parent materials.</p> <p>This requirement is to help providers think about their goals and objectives in offering child care.</p>
<p>Food handler Permit</p>	<p>WAC 170-296A-7675 Food handler permits. (1) New license applicants must obtain a current state food handler permit prior to being licensed.</p> <p>(2) By March 31, 2013, every licensee must obtain and maintain a current state food handler permit.</p> <p>(3) When the licensee is not present, one staff person with a current state food handler permit must be present whenever food is prepared or served to children in care.</p> <p>(4) The licensee or staff person with a current state food handler permit must prepare or supervise preparation of all food served to children in care.</p> <p>(5) The licensee must keep a copy of each individual's food handler permit on file.</p>	<p>That permits are hard or expensive to obtain.</p> <p>That providers will now be subject to inspection by the Department of Health.</p>	<p>Obtaining a food handler permit is simply so that providers can demonstrate they've received education in preparing and serving food.</p> <p>This does not subject providers to any inspection by DOH.</p> <p>This rule helps prevent the need for DEL licensors to observe the provider preparing and serving foods.</p> <p>In many counties, providers can obtain the permit online. It costs \$10 for two years. Permits issued in one county are valid in any other county. Renewals are due every three years.</p> <p>Food handler permits are required in the state-funded preschool program, ECEAP, for all staff who prepare full meals, and at least one person in each classroom. This is good practice to help prevent foodborne illness in children.</p>

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<p>Provider education</p>	<p>WAC 170-296A-1725 License applicant minimum education. (1) For any initial family home child care license issued on or after March 31, 2012, the applicant must have a high school diploma. (2) If the applicant does not have a high school diploma, he or she must submit written evidence of equivalent education. As used in this section, "equivalent education" means: (a) Passing the general educational development (GED) tests; (b) Completion of twelve years of elementary and secondary education; (c) Possessing a current child development associate (CDA) credential as approved through the council for professional recognition; or (d) Completion of forty-five credits of post secondary education.</p> <p>WAC 170-296A-1735 Minimum education--Licensees licensed prior to March 31, 2012. Effective March 31, 2017, every family home child care licensee, including licensees licensed prior to March 31, 2012, must meet the minimum education requirements of WAC 170-296A-1725.</p>	<p>That all providers must have a high school diploma or they will be shut down.</p> <p>Providers don't have time to do this.</p>	<p>Providers who receive their license on or after March 31, 2012, must have their high school diploma, GED or child development associate credential, or 45 credits of post-secondary education.</p> <p>Existing providers have until March 31, 2017, to meet this requirement.</p> <p>There are resources available to help providers attain this level of education, and GED preparation courses in several languages.</p> <p>DEL has available scholarship money to help current providers.</p> <p>Some of this education can also be counted toward a provider's ongoing existing training requirements.</p>
<p>Playground equipment</p>	<p>WAC 170-296A-5075 Playground equipment--Ground cover--Fall zones. (1) The licensee must not place climbing play equipment on concrete, asphalt, packed soil, lumber, or similar hard surfaces when being used by children. (2) The ground under swings and play</p>	<p>That providers will have to cover their entire yard with gravel or bark.</p>	<p>The current rules already require ground cover under outdoor climbing/play equipment to help reduce injury. The change in rule is that grass is not considered acceptable ground cover, based on national research into child injuries (Consumer Protection Safety Commission).</p> <p>Providers only need to cover the area around swings and around</p>

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	<p>equipment intended to be climbed must be covered by a shock absorbing material. Grass alone is not an acceptable ground cover material under swings or play equipment intended to be climbed. Acceptable ground cover includes:</p> <p>(a) Pea gravel - At least nine inches deep;</p> <p>(b) Playground wood chips - At least nine inches deep;</p> <p>(c) Shredded recycled rubber - At least six inches deep; or</p> <p>(d) Other department approved material.</p> <p>(3) A six-foot fall zone must surround all equipment that has a platform over forty-eight inches tall that is intended to be climbed.</p> <p>(4) The fall zone area must extend at least six feet beyond the perimeter of the play equipment. For swings, the fall zone must be the distance to the front and rear of the swing set equal to or greater than twice the height of the top bar from which the swing is suspended.</p> <p>(5) Swing sets must be positioned further away from structures to the front and rear of the swing set. The distance to the front and rear of the swing set from any playground equipment or other structure must be the distance equal to or greater than twice the height of the top bar from which the swing is suspended.</p> <p>WAC 170-296A-5000 Play equipment. (1) The licensee must have play equipment that is developmentally appropriate and maintained in a safe working condition. The</p>	<p>That providers will have to remove all existing homemade playground equipment.</p>	<p>climbing equipment. This could be covered with gravel, bark, shredded rubber or another material approved by DEL.</p> <p>Homemade playground equipment installed prior to March 31, 2012, is fine. Playground equipment purchased and installed on or after March 31, 2012, needs to meet manufacturers' specifications. If the provider has used or homemade playground equipment, they need to install it safely.</p> <p>Providers are not required to have swings or climbing equipment as part of their program. There are many fun and inexpensive ways to help ensure developmentally appropriate outdoor activity and to promote gross motor development. The federal "Let's Move! Child Care" initiative offers ideas and resources to support physical activity. (www.healthykidshealthyfuture.org)</p> <p>If providers choose to have swings or climbing equipment, examples of ground cover could include:</p> <ul style="list-style-type: none"> • Pea gravel: \$15.75 to \$33.95 per cubic yard delivered, with 5-yard minimum order in most areas. To cover 196 square feet to a depth of 9 inches, cost would be \$95 to \$204. • Playground wood chips: \$31 to \$55 per cubic yard delivered, 5-yard minimum order. (One supplier surveyed offered chips at \$16.25 with a 20-yard minimum order.) To cover 196 square feet to a depth of 9 inches, cost would be \$186 to \$330. <p><i>(Costs taken from small business economic impact statement)</i></p>

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	<p>licensee must inspect play equipment at least weekly for injury hazards, broken parts, or damage. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.</p> <p>(2) Play equipment must be arranged so that it does not interfere with other play equipment when in use.</p> <p>(3) The licensee must install or assemble new play equipment acquired after March 31, 2012, according to manufacturer specifications, and keep specifications on file for review by the licensor.</p> <p>(4) For used or "hand-made" play equipment, or for play equipment acquired and installed prior to March 31, 2012, the licensee must assemble the equipment in a manner that provides a safe play experience for the children.</p>		
<p>Emergency exit platforms</p>	<p>WAC 170-296A-4525 Emergency exit doors. (1) An emergency exit door must open to the exterior of the home.</p> <p>(2) Any door used as an emergency exit door must:</p> <p>(a) Remain unlocked from the inside during operating hours; and</p> <p>(b) Be easy to open to the full open position.</p> <p>(3) If the emergency exit door opens to a landing that is four feet (forty-eight inches) or more above grade, the landing must lead to a stairway or ramp to get to ground level.</p> <p>WAC 170-296A-4550 Emergency exit</p>	<p>That providers will need to build platforms that could contradict local building code.</p> <p>That these platforms could be costly.</p>	<p>These rules help ensure that children could <u>self-rescue</u> in case of a fire if needed.</p> <p>The sturdy platform for emergency exit windows more than 44 inches above the interior floor may simply be a table or other device.</p> <p>If in a licensed space an emergency exit opens to a landing that is four feet or more above grade, the provider must have a stairway or ramp to get to ground level.</p> <p>The new rule provides clarity to allow for operation of child care on floors more than four feet above grade. The rule is meant to help providers comply with existing building code.</p>

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	<p>windows. (1) Any window used as an emergency exit window must:</p> <ul style="list-style-type: none"> (a) Remain unlocked during operating hours, except a manufacturer-installed latch may be latched; (b) Be designed to open from the inside of the room without the use of keys, tools or special knowledge; and (c) Be easy to open to the full open position. <p>(2) An emergency exit window must be at least five point seven square feet of opened area, except emergency exit windows on the ground floor may be five square feet of opened area. When open, the window opening must be at least:</p> <ul style="list-style-type: none"> (a) Twenty inches wide; and (b) Twenty-four inches tall. <p>(3) An emergency exit window must have an interior sill height of forty-four inches or less above the interior floor. If the interior sill height is more than forty-four inches above the interior floor, a sturdy platform (which may be a table or other device) may be used to make the distance forty-four inches or less to the interior window sill. The platform must be in place below the window sill at all times during operating hours.</p> <p>(4) An emergency exit window must have a place to land outside that is forty-eight inches or less below the window which may be either: (a) The ground; or</p> <ul style="list-style-type: none"> (b) A deck, landing or platform constructed to meet current building codes. 		