



**Chapter 170-296A WAC  
(Proposed New Chapter)**

**LICENSED FAMILY HOME CHILD CARE STANDARDS**

*[NOTE: The following are the proposed (draft) rules as-filed with the Washington State Code Reviser on April 20, 2011 (filing number WSR 11-09-081), with notes added at the top and bottom of the page. When final, the new WAC chapter will replace WAC chapter 170-296. The Department of Early Learning welcomes input on these draft rules. [Please see this link](#) for more information and where to attend June 2011 public hearings on these draft rules. [Click this link to give your input online](#). The comment deadline is June 26, 2011.]*

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NEW SECTION

**WAC 170-296A-0001 Authority.** The department of early learning<sup>1</sup> was established under chapter 265, Laws of 2006. Chapter 43.215 RCW establishes the department's responsibility and authority to set and enforce licensing requirements and standards for licensed child care agencies in Washington state, including the authority to adopt rules to implement chapter 43.215 RCW.

□

NEW SECTION

**WAC 170-296A-0005 Intent.** This chapter reflects the department's commitment to quality early learning experiences for children, and promotes the health, safety, and positive development of children receiving care in a licensed family home setting.

□

NEW SECTION

**WAC 170-296A-0010 Definitions.** The following definitions apply throughout this chapter unless the context clearly indicates otherwise:<sup>2</sup>

**"Accessible to children"** means areas of the facility and materials that the children can easily get to on their own. **"Agency"** as used in this chapter, has the same meaning as in RCW 43.215.010 (1) and (1)(c).

**"Available"** means accessible and ready for use or service.

**"Capacity"** means the maximum number of children the licensee is authorized by the department to have in care at any given time.

**"Child abuse or neglect"** has the same meaning as "abuse or neglect" under RCW 26.44.020 and chapter 388-15 WAC.

**"Child care"** means providing temporary custody, supervision, feeding, guidance, early learning program and activities of children, including transporting children in care.

**"Clean"** means to remove dirt and debris (such as soil, food, blood, urine, or feces) by scrubbing and washing with a soap or detergent solution and rinsing with water.

**"Confidential"** means the protection of personal information, such as the child's records, from persons who are not authorized to see or hear it.

**"Department"** or **"DEL"** means the Washington state department of early learning.

**"Developmentally appropriate"** means curriculum, materials or activities provided at a level that is consistent with the abilities or learning skills of the child.

**"Discipline"** means a method used to redirect a child in order to achieve a desired behavior.

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<sup>1</sup> General note: Under state WAC writing rules, most proper nouns, such as "Department of Early Learning," are not capitalized. See the Code Reviser's "Bill Drafting Guide."

<sup>2</sup> Note: Some definitions will appear within the WAC, if the defined term is used only within one WAC section, or if the definition applies in specific WAC sections.

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**"DOH"** means the Washington state department of health.

**"DSHS"** means the Washington state department of social and health services.

**"Enforcement action"** means a department issued:

- (a) Denial, suspension, revocation or modification of a license;
- (b) Probationary license;
- (c) Civil monetary penalty (fine); or
- (d) Disqualification from having unsupervised access to children in care.

**"Family home child care"** means an individual licensed by the department to provide direct care, supervision, and early learning opportunities for twelve or fewer children in the home where the licensee resides as provided in RCW 43.215.010 (1)(c).

**"Fine"** has the same meaning as "civil monetary penalty," "civil fines," or "monetary penalty" under chapter 43.215 RCW.

**"Inaccessible to children"** means an effective method or barrier that reasonably prevents a child's ability to reach, enter, or use items or areas.

**"Infant"** means a child age birth through eleven months of age.

**"Licensed space"** means the indoor and outdoor space on the premises approved by the department for the purpose of providing licensed child care.

**"Licensee"** for the purposes of this chapter, means the individual listed on a family home child care license issued by the department of early learning authorizing that individual to provide child care under the requirements of this chapter and chapter 43.215 RCW.

**"Licensor"** means an individual employed by the department and designated by the director to inspect and monitor an agency as defined in RCW 43.215.010(1) or child care facility for compliance with the requirements of this chapter and chapter 43.215 RCW.

**"MERIT"** means the managed education registry information tool.

**"Modification of a license"** means department action to change the conditions identified on a current license.

**"Nonprescription medication"** means any of the following:

- (a) Nonaspirin and aspirin fever reducers or pain relievers;
- (b) Nonnarcotic cough suppressants;
- (c) Ointments or lotions specially intended to relieve itching;
- (d) Diaper ointments and talc free powders specially used in the diaper area of children;
- (e) Sun screen;
- (f) Hand sanitizer gels; or
- (g) Hand wipes with alcohol.

**"One year of experience"** means at least twelve months of early learning experience as demonstrated by a resume and references:

- (a) In a supervisory role in a child care setting where the individual was responsible for supervising staff and complying with licensing standards; or
- (b) As a Washington state:
  - (i) Child care center or school age center director, program supervisor, or lead teacher as defined in chapters 170-151 and 170-295 WAC; or
  - (ii) Family home child care licensee or qualified primary staff person.

**"Physical restraint"** means the practice of rendering a child helpless or keeping a child in captivity.

**"Poison"** for the purposes of this chapter includes, but is not limited to, substances, chemicals, chemical compounds (other than naturally occurring compounds such as water or

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salt), or similar items, that even in small quantities are likely to cause injury or illness if it is swallowed or comes into contact with a child's skin, eyes, mouth, or mucus membranes.

**"Premises"** means the licensed or unlicensed space including, but not limited to, buildings, land and residences at the licensed address.

**"Preschool age child"** means a child age thirty months through five years of age who is not attending kindergarten or elementary school.

**"Primary staff person"** means a staff person other than the licensee who has been authorized by the department to care for and have unsupervised access to children in care.

**"RCW"** means Revised Code of Washington.

**"Sanitize"** means to reduce the number of microorganisms on a surface by the process of using:

- (a) A bleach and water solution;
- (b) Other sanitizer product if used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry; or
- (c) For laundry and dishwasher use only, a bleach and water solution or temperature control.

**"School age child"** means a child not less than five years of age through twelve years of age who is attending kindergarten or school.

**"Screen time"** means watching, using or playing television, computers, video games, video or DVD players, mobile communication devices, and similar devices.

**"Sleeping equipment"** means (reserved).

**"Staff"** unless referring specifically to a "primary staff person," means any primary staff person, assistant, or volunteer helping to provide child care, or a household member acting in the capacity of a primary staff person, assistant or volunteer, whether compensated or not compensated.

**"STARS"** means the state training and registry system.

**"Toddler"** means a child age twelve months through twenty-nine months of age.

**"Unlicensed space"** means the indoor and outdoor areas of the premises, not approved as licensed space by DEL, that the licensee must make inaccessible to the children during child care hours.

**"Unsupervised access"** has the same meaning as "unsupervised access" in WAC 170-06-0020.

**"WAC"** means the Washington Administrative Code.

**"Weapons"** means an instrument or device of any kind that is designed to be used to inflict harm including, but not limited to, rifles, handguns, shotguns, antique firearms, knives, swords, bows and arrows, BB guns, pellet guns, air rifles, electronic or other stun guns, or fighting implements.

[]

## LICENSING PROCESS

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NEW SECTION

**WAC 170-296A-1000 License required.** (1) An individual who provides care for children in his or her home must be licensed by the department unless exempt under RCW 43.215.010(2).

(2) The individual claiming an exemption must provide to the department proof that they qualify for an exemption using a department approved form.

□

NEW SECTION

**WAC 170-296A-1025 Who must be licensed.** An individual must be licensed to care for children if any of the following apply:

(1) Care is provided in the individual's home for one or more children not related to the licensee, outside the child's home on a regular and ongoing basis, not to exceed twelve children as provided by statute; or

(2) Care is provided in the individual's home for preschool age children for more than four hours a day.

□

NEW SECTION

**WAC 170-296A-1050 The licensee.** (1) The licensee is the individual or individuals:

(a) Who resides in the home licensed for family home child care under this chapter;

(b) Whose name appears on the license issued by the department;

(c) Licensed by the department to provide child care and early learning services for not more than twelve children in the licensee's home in the family living quarters. As used in this section, "family living quarters" may include:

(i) The licensee's or license applicant's residence; and

(ii) Other spaces and buildings on the premises that meet the facility requirements of this chapter and are approved by the department for child care;

(d) Responsible for the overall management of the licensed family child care home;

(e) Responsible for complying with the standards in this chapter, chapter 43.215 RCW, chapter 170-06 WAC DEL background check rules, and other applicable laws or rules; and

(f) Responsible for training staff on the licensing standards in this chapter.

(2) The licensee must comply with all requirements in this chapter, unless another code or ordinance is more restrictive. Local officials are responsible for enforcing city or county ordinances and codes, such as zoning, building or environmental health regulations.

(3) The licensee may hold only one current family home child care license.

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□

NEW SECTION

**WAC 170-296A-1075 Child care subsidy.** A licensee who receives child care subsidy payments must follow the requirements of the applicable subsidy program. A licensee who receives subsidy payments under the working connections child care or seasonal child care programs must follow the requirements of chapter 170-290 WAC.

□

NEW SECTION

**WAC 170-296A-1100 Tribal or military regulated or operated child care-- Certification for payment.** (1) A family home child care that is regulated by an Indian tribe or the federal Department of Defense is exempt from licensing.

(2) A tribe or a child care regulated by the federal Department of Defense may request certification:

(a) For subsidy payment only; or

(b) As meeting licensing standards of this chapter.

(3) A child care seeking certification under this section must be located on the premises over which the tribe or federal Department of Defense has jurisdiction.

□

NEW SECTION

**WAC 170-296A-1125 Orientation required.** An individual applying for an initial license must complete an orientation provided by the department within twelve months prior to submitting a license application.

□

NEW SECTION

**WAC 170-296A-1150 Preservice training.** (Reserved.) The department intends to develop rules on required preservice training standards at a later date.

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NEW SECTION

**WAC 170-296A-1175 STARS basic twenty-hour training.** A license applicant must complete the basic twenty-hour STARS training prior to an initial license being granted by the department.

□

NEW SECTION

**WAC 170-296A-1200 Background checks.**<sup>3</sup> (1) The license applicant or licensee must submit a completed background check form and obtain an authorization letter from the department consistent with the requirements of chapter 170-06 WAC for each of the following:

- (a) Any license applicant;
- (b) The licensee;
- (c) Each staff person or volunteer age sixteen or older; and
- (d) Each individual age sixteen or older who resides in the home.

(2) Any individual who must undergo a background check under chapter 170-06 WAC and who has resided in Washington state for less than three years must complete the department fingerprint process. See WAC 170-06-0040(1) and RCW 43.215.215.

(3) The licensee must keep background check authorization letters from the department on file for each individual listed in this section.

(4) A completed background check form and department authorization is required for each new staff or volunteer age sixteen or older, any person residing in the home who becomes sixteen years old, or for any person age sixteen or older who moves into the home. See WAC 170-06-0040.

(5) The licensee must not allow any individual who has not obtained a background check authorization letter from the department to have unsupervised access to the children at any time.

□

NEW SECTION

**WAC 170-296A-1225 Noncriminal background checks for individuals thirteen to sixteen years of age.** (1) Each volunteer or assistant in the licensed family home child care age fourteen to sixteen years old, and each individual residing in the licensee's home age thirteen to sixteen years old, must undergo a noncriminal background check.

(2) The licensee must submit a signed and dated noncriminal background check application on a form approved by the department:

- (a) Within seven days after the volunteer or assistant age fourteen to sixteen starts work

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<sup>3</sup> This section may be revised at the final rule due to 2011 legislative action.

in the licensed child care; and

(b) For each individual residing in the home age thirteen to sixteen:

(i) With the licensee's initial license application or renewal application;

(ii) Within seven days after an individual residing in the home reaches age thirteen; and

(iii) Within seven days after an individual age thirteen to sixteen moves into the home.

(3) The department conducts a noncriminal background check, and authorizes or disqualifies an individual age thirteen to sixteen as described in chapter 170-06 WAC, except that the department does not:

(a) Review convictions or pending charges for disqualifying crimes under WAC 170-06-0050(1), unless the conviction was the result of prosecution of the juvenile as an adult; and

(b) Disqualify an individual for a conviction under WAC 170-06-0070 (1) and (2), unless the conviction was the result of prosecution of the juvenile as an adult.

(4) An individual who is disqualified from providing child care or having access to children in care following a noncriminal background check as described in this section has the right to appeal the department's decision under WAC 170-06-0090.

(5) The licensee must keep authorization letters from the department on file for each individual listed in this section.

□

#### NEW SECTION

**WAC 170-296A-1250 License application packet--Contents.** (1) The individual seeking a license under this chapter is the license applicant.

(2) A license applicant must submit a license application packet that includes:

(a) A completed department application form and copy of the applicant's orientation certificate;

(b) Copy of license applicant's current government issued photo identification;

(c) Documentation of the licensee's high school diploma or equivalent education under WAC 170-296A-1725;

(d) Resume for the license applicant;

(e) References from three individuals not related to the license applicant;

(f)(i) Copy of license applicant's Social Security card pursuant to 42 U.S.C. 666(a)(13) and RCW 26.23.150 regarding child support;

(ii) If the license applicant does not have a Social Security card, the applicant must provide a sworn declaration stating that he or she does not have a Social Security card;

(g) Copy of the federal Internal Revenue Service letter showing the applicant's employer identification number (EIN) if the applicant plans to employ staff;

(h) Tuberculosis test results for the license applicant, each staff person, and household members sixteen years old or older. See WAC 170-296A-1750;

(i) Copy of first-aid/CPR/bloodborne pathogens training certificates for the license applicant and each staff person as described in WAC 170-296A-1825;

(j) Copy of the license applicant's state food handler permit as described in WAC 170-296A-7675;

(k) Completed background clearance forms for the license applicant and each staff

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person, household members sixteen years old and older, and anyone sixteen years and older who may have unsupervised access to the children in care;

(l) A completed noncriminal background check application form for each assistant and volunteer fourteen to sixteen years of age, and each individual age thirteen to sixteen residing in the home;

(m) Parent, staff and operation policies (handbooks). See WAC 170-296A-2350, 170-296A-2375, 170-296A-2400, and 170-296A-2425;

(n) Floor plan, including proposed licensed and unlicensed space;

(o) Septic system inspection report if applicable under WAC 170-296A-1375;

(p) Well water testing report if applicable under WAC 170-296A-1400;

(q) Lead or arsenic evaluation agreement, only for a site located in the Tacoma smelter plume under WAC 170-296A-1360; and

(r) The license fees under WAC 170-296A-1325 and 170-296A-1350.<sup>4</sup>

(3) If there will be more than one individual whose name will appear on the license, each individual license applicant must provide information required in subsection (2)(b) through (f) and (2)(h) through (k) of this section.

□

#### NEW SECTION

**WAC 170-296A-1275 Application processing.** (1) The department may take up to ninety days to complete the licensing process. The ninety days begins when the license applicant's signed and dated application packet, fees and background check forms have been received by the department.

(2) If an incomplete application packet is submitted the department will inform the license applicant of the deficiencies and provided a time frame in which to provide the required information. If an application remains incomplete after ninety days the department may deny the license.

□

#### NEW SECTION

**WAC 170-296A-1300 Withdrawing an incomplete application.** (1) If the license applicant is unable to successfully complete the licensing process within ninety days the license applicant may withdraw the application and reapply when the applicant is able to meet licensing requirements.

(2) A license applicant who has not withdrawn his or her incomplete application and is unable to meet the application requirements will be denied a license. See RCW 43.215.300.

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<sup>4</sup> This section and related sections may be revised at the final rule due to 2011 legislative action.

NEW SECTION

**WAC 170-296A-1325 License fee--When due.** (1) A license applicant must pay a nonrefundable license fee with the license application.

(2) After a license is issued, the licensee must pay the license fee annually. The fee is due on or before the anniversary date of the license.

(3) Payment must be in the form of a check or money order.

□

NEW SECTION

**WAC 170-296A-1350 License fee amount.** The license fee is twenty-four dollars, or as otherwise set by the legislature.<sup>5</sup>

□

NEW SECTION

**WAC 170-296A-1360 Lead and arsenic hazards--Tacoma smelter plume.** A license applicant who lives in the designated Tacoma smelter plume (counties of King, Pierce, and Thurston) must contact the state department of ecology (DOE) and complete a signed access agreement with DOE for further evaluation of the applicant's property and possible arsenic and lead soil sampling.

NEW SECTION

**WAC 170-296A-1375 Private septic system--Inspection and maintenance.** (1) If the licensed premises is served by a private septic system (not connected to a sewer system) the septic system must be maintained in a manner acceptable to the local public health authority.

(2) The licensee must follow the local public health authority's requirements for periodic septic system inspection and maintenance.

(3) If there are no local public health requirements for periodic septic system inspections the licensee must:

(a) Have the system inspected by a septic system inspector certified by the local public health authority:

(i) Within six months prior to submitting a license application under WAC 170-296A-1250; and

(ii) Every three years after a license is issued under this chapter.

(b) Maintain the septic system as required by the inspection report.

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<sup>5</sup> Note: The fee section and related sections may be revised at the final rule due to 2011 legislative action.

(4) Septic system inspection and maintenance records must be kept on the premises and made available to the department upon request.

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#### NEW SECTION

**WAC 170-296A-1400 Private well and water system.** (1) If the licensed family home child care gets water from a private well on the premises, the licensee must follow the local public health authority's requirements for periodic water testing.

(2) If there are no local public health requirements for periodic water testing, the licensee must have the water tested for coliform bacteria and nitrates by the local public health authority or qualified private testing laboratory:

(a) Within six months prior to submitting a license application under WAC 170-296A-1250; and

(b) Every three years after a license is issued under this chapter. The test must indicate no presence of coliform bacteria, and "safe" levels of nitrates as defined by the state department of health (DOH).

(3) If test results indicate the presence of coliform bacteria or unsafe nitrate levels as defined by DOH, the licensee must:

(a) Immediately stop using the well water in the child care and inform the local public health authority and the department;

(b) Take steps required by the local public health authority to repair the well or water system; and

(c) Test the water as often as required by the local public health authority until tests indicate no presence of coliform bacteria and safe levels of nitrates.

(4)(a) If directed by the local public health authority or the department, the licensee must suspend child care operations until repairs are made; or

(b) If the local public health authority and the department determine that child care operations may continue with an alternate source of safe water, provide the safe water as directed.

(5) Water testing and system repair records must be kept on the premises and made available to the department upon request.

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#### NEW SECTION

**WAC 170-296A-1410 Department inspection.** (1) Prior to the department issuing a license, a department licensor must inspect the proposed indoor and outdoor spaces to be used for child care to verify compliance with the requirements of this chapter.

(2) The licensee must grant reasonable access to the department licensor during the licensee's hours of operation for the purpose of announced or unannounced monitoring visits to inspect the indoor or outdoor licensed space to verify compliance with the requirements of this chapter.

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□

NEW SECTION

**WAC 170-296A-1420 Licensee declaration.** When compliance with a requirement in this section is being met in unlicensed space in the licensee's home, the licensee must provide a signed and dated declaration, on a department approved form, for the purpose of verifying that the licensee is in compliance with the requirements of this chapter regarding:

- (1) The furnace area safety under WAC 170-296A-2600;
- (2) Guns and weapons storage under WAC 170-296A-4725;
- (3) Smoke detector locations and working condition under WAC 170-296A-2950; or
- (4) Medication storage under WAC 170-296A-3325.

□

NEW SECTION

**WAC 170-296A-1430 Initial license.** An applicant who demonstrates compliance with health and safety requirements of this chapter, but may not be in full compliance with all requirements, may be issued an initial license.

- (1) An initial license is valid for six months from the date issued.
- (2) At the department's discretion, an initial license may be extended for up to three additional six month periods.
- (3) The department may limit the number of children or ages of children that the licensee may care for (capacity) under an initial license based on the licensee's child care experience.

□

NEW SECTION

**WAC 170-296A-1450 Full license--License issued for three years.<sup>6</sup>** A licensee operating under an initial license who demonstrates full or substantial compliance with the requirements of this chapter may be issued a full license. The full license is valid for three years from the date a first initial license was issued, unless otherwise suspended or revoked, or the department issues a probationary license.

□

NEW SECTION

**WAC 170-296A-1475 Moves.** If the licensee moves the child care to a different residence than currently licensed, even if located on the same premises, the department must inspect the new location and must approve that it meets the requirements of this chapter. The licensee must:

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<sup>6</sup> This section and related sections may be revised at the final rule due to 2011 legislative action.

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- (1) Notify the department of the proposed move and the date the licensee plans to move;
- (2) Submit an application as soon as the licensee plans to move and has an identified address, but not more than ninety days before moving;
- (3) Submit the application before the move; and
- (4) Not operate more than two weeks following the move as provided by statute without a department inspection of the new location.

□

#### NEW SECTION

**WAC 170-296A-1500 Moving without submitting application.** If the licensee moves, and does not notify the department and submit an application prior to the move, the license becomes invalid and is closed by the department as of the date of the move.

□

#### NEW SECTION

**WAC 170-296A-1525 Change in circumstances.** (1) The licensee must report the following changes in the licensee's circumstances to the department within twenty-four hours, including:

- (a) The facility;
  - (b) Household members; or
  - (c) The child care operation.
- (2) The licensee must report to the department within twenty-four hours after the licensee, staff, or a household member is:
- (a) Charged or convicted with a disqualifying crime under WAC 170-06-0120; or
  - (b) Alleged to have committed, or received a finding of abuse or neglect of a child or vulnerable adult.

□

### **LICENSE RENEWAL**

#### NEW SECTION

**WAC 170-296A-1550 Renewal application.**<sup>7</sup> The licensee who wishes to continue providing licensed child care must submit a completed renewal application packet every three years. The renewal application packet must be received by the department at least ninety days prior to the license expiration date. The packet must include all of the following required documentation:

- (1) Renewal application, on a form provided by the department;
- (2) New background clearance forms for the licensee, staff, household members sixteen

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<sup>7</sup> This section and related sections may be revised at the final rule due to 2011 legislative action.

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years old and older, and anyone sixteen years old and older having unsupervised access to the children in care as described in WAC 170-06-0040;

(3) Completed noncriminal background check application forms for each volunteer and assistant age fourteen to sixteen; and each individual age thirteen to sixteen residing on the premises as described in WAC 170-296A-1225;

(4) Copies of licensee and staff's current first aid and CPR certificates required under WAC 170-296A-1825;

(5) Copy of the licensee's current state food handler permit required under WAC 170-296A-7675;

(6) Copy of licensee's current government issued picture identification;

(7) Current parent handbook as described in WAC 170-296A-2375;

(8) Revised floor plan if applicable;

(9) Septic inspection report if applicable under WAC 170-296A-1375;

(10) Water test report if applicable under WAC 170-296A-1400; and

(11) If applicable, any other changes to the program.

□

#### NEW SECTION

**WAC 170-296A-1575 Failure to submit a renewal application.** If the department does not receive a completed renewal application at least ninety days prior to the license expiration date, the license may lapse or renewal may be denied. A new license application must be submitted under WAC 170-296A-1250 if the license lapses or renewal is denied.

□

#### NEW SECTION

**WAC 170-296A-1600 Multiple licenses, certifications or authorizations.** (1) The licensee must have department approval to have a department-issued child care license and another care giving license, certification or similar authorization.

(2) If the department determines that the health and safety needs of the children in licensed child care are not being met:

(a) The department and licensee may agree to a modification to 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 child care license.

□

#### NEW SECTION

**WAC 170-296A-1625 Exception to rule.** (1) The department cannot waive a requirement in state or federal law.

(2) The department may approve an exception to a rule in this chapter.

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- (3) An exception to rule request must be:
- (a) In writing on a department form;
  - (b) Submitted by the licensor; and
  - (c) Approved by the director or director's designee.
- (4) The department may approve an exception only for a specific purpose or child.
- (5) An exception is time limited and may not exceed the specific time approved or the expiration date of the license.
- (6) If the exception request is approved, the licensee must post notice of an approved exception with other notices that must be posted for parent and public view, unless the exception is for a specific child.
- (7) The department's denial of an exception request is not subject to appeal under chapter 170-03 WAC.

□

#### NEW SECTION

**WAC 170-296A-1650 Exception to rule--Alternate method of meeting a requirement.** The department may approve an alternate method of achieving a specific requirement's intent as an exception to rule. The process for requesting and approving an exception is described in WAC 170-296A-1625 (3) through (5).

- (1) The alternate method must not jeopardize the health, safety or welfare of the children in care.
- (2) A copy of the department approved exception must be posted on the premises for parent and public view.

□

### STAFF QUALIFICATIONS

#### NEW SECTION

**WAC 170-296A-1700 Licensee minimum age.** The minimum age to be a licensee is eighteen years old.

□

#### NEW SECTION

**WAC 170-296A-1725 Licensee minimum education.** (1) As of (the effective date of this section), an applicant for a family home child care license 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; or
  - (c) Completion of forty-five credits of post secondary education.

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□

NEW SECTION

**WAC 170-296A-1735 Minimum education--Individuals licensed prior to (the effective date of this section).** Effective (five years from the effective date of this section), every family home child care licensee, including individuals licensed prior to (the effective date of this section), must meet the minimum education requirements of WAC 170-296A-1725.

□

NEW SECTION

**WAC 170-296A-1750 Tuberculosis.** The applicant, and each staff person fourteen years old and older, and each household member sixteen years old and older, must provide documentation of tuberculosis (TB) testing or treatment consisting of:

(1) A negative Mantoux test (also known as a tuberculin skin test (TST)) or negative interferon gamma release assay (IGRA) completed within twelve months before license application or employment; or

(2) A previous or current positive TST or positive IGRA with:

(a) Proof of treatment or negative chest X ray;

(b) Certification from a medical professional that the individual does not have an active TB infection; or

(c) Medication therapy to treat TB.

□

NEW SECTION

**WAC 170-296A-1800 Ongoing training.** (1) The licensee and each primary staff person must complete thirty hours of department approved ongoing training every three years. The training may include:

(a) Licensee's or primary staff person's choice; and

(b) Department directed training.

(2) The licensee must complete the ongoing training requirement prior to obtaining a license renewal.

(3) A primary staff person must complete the ongoing training requirement every three years beginning from the date of initial employment.

□

NEW SECTION

**WAC 170-296A-1825 First aid and cardio pulmonary resuscitation (CPR) certification.** (1) The licensee and each staff person must have a current first aid and cardio pulmonary resuscitation (CPR) certification as established by the expiration date of the document.

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

(3) The first aid and CPR training and certification must:

(a) Be certified by the American Red Cross, American Heart Association, American Safety and Health Institute or other nationally recognized certification approved by the department;

(b) Include infant, child, and adult CPR; and

(c) Include a hands-on component.

□

NEW SECTION

**WAC 170-296A-1850 Bloodborne pathogens training.** The licensee and each staff person must have written proof of attending a U.S. Occupational Safety and Health Administration (OSHA) certified or comparable bloodborne pathogens training.

□

NEW SECTION

**WAC 170-296A-1875 Primary staff person.** An individual meeting all the qualifications of primary staff person is qualified to be left unsupervised with the children in the licensed child care.

□

NEW SECTION

**WAC 170-296A-1900 Primary staff minimum age.** A primary staff person must be a minimum of eighteen years of age.

□

NEW SECTION

**WAC 170-296A-1910 Basic twenty-hour STARS training.** A primary staff person must complete the basic twenty hours of STARS training prior to working unsupervised with the children.

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□

NEW SECTION

**WAC 170-296A-1925 Assistants and volunteers--Supervision.** (1) Assistants and volunteers are the individuals who help in the licensed child care but are supervised by the licensee or primary staff at all times.

(2) The licensee or primary staff person must be within visual or auditory range of an assistant or volunteer sixteen years old or older, and must be available and able to respond.

(3) The licensee or primary staff member must be within visual and auditory range of an assistant or volunteer fourteen years to sixteen years old, and must be available and able to respond. When the licensee or primary staff person is the only supervisor, the assistant or volunteer may be in visual or auditory range for brief periods of time while the licensee or primary staff person attends to their toileting, medical, or other personal needs on the premises.

□

NEW SECTION

**WAC 170-296A-1950 Assistants and volunteers--Minimum age.** The minimum age to be an assistant or volunteer is fourteen years of age.

□

NEW SECTION

**WAC 170-296A-1975 Licensee/staff qualifications and requirements table.** The following table summarizes the licensee and staff qualifications and requirements found in WAC 170-296A-1700 through 170-296A-1950, and 170-296A-7675. An "X" indicates a requirement.

**Licensee and Staff Qualifications Table**

Position	Minimum age	High school diploma or equivalent	Background check	TB test	DEL orientation	Basic 20-hour STARS	Ongoing training	Fire safety training	First aid/CPR	Blood-borne pathogens	Food handler permit
Licensee	18	X	X	X	X	X	X	X	X	X	X
Primary staff person	18		X	X		X	X	X	X	X	*

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Assistant/ volunteer (cannot be left alone with the children)	14		X	X				X	X	X	*
			Noncriminal background check only age 14-15								

\* See WAC 170-296A-7675(3) regarding when other staff must have a food handler permit.

□

**RECORDKEEPING, REPORTING AND POSTING**

NEW SECTION

**WAC 170-296A-2000 Recordkeeping--Records available to the department.** The licensee must:

- (1) Keep all records for a minimum of five years.
- (2) Keep all current records (from the previous twelve months) in the licensed space as defined in WAC 170-296A-0010.
- (3) Provide to the department upon request any records twelve months to five years old within two weeks of the date of the department's written request.

□

NEW SECTION

**WAC 170-296A-2025 Child records--Confidentiality.** (1) The licensee must maintain records for all children in a confidential manner.

- (2) Each enrolled child's health record must be available to staff when needed for medical administration or emergencies.

□

NEW SECTION

**WAC 170-296A-2050 Child records--Contents.** (1) The licensee must have an enrollment record for every child who is enrolled and counted in capacity. Each child's enrollment record must include the following:

- (a) Beginning enrollment date;
- (b) End of enrollment date for children no longer in the licensee's care;
- (c) The child's birth date;

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- (d) The child's current immunization record, on a DOH child immunization status form or comparable form completed by a health care professional;
  - (e) The child's known allergies;
  - (f) Names of persons authorized to pick up the child;
  - (g) Emergency contacts. If no emergency contact is available, a written emergency contact plan may be accepted;
  - (h) Parent or guardian information including name, phone numbers, address, and contact information for reaching the family while the child is in care;
  - (i) Medical and dental care provider names and contact information, if the child has providers. If the child has no medical or dental provider, the licensee and parent or guardian must have a written plan for medical or dental injury or incident; and
  - (j) Consent to seek medical care and treatment of minor child in the event of injury or illness, signed by the child's parent or guardian.
- (2) If applicable, a child's records must include:
- (a) Injury/incident reports (see WAC 170-296A-3575 and 170-296A-3600);
  - (b) Medication authorization and administration log (see WAC 170-296A-3375);
  - (c) Plan for special or individual needs of the child (see WAC 170-296A-6725); or
  - (d) Documentation of use of physical restraint (see WAC 170-296A-6250).
- (3) The child's records must include signed parent permissions (see WAC 170-296A-6400) as applicable for:
- (a) Field trips;
  - (b) Picture taking;
  - (c) Transportation; and
  - (d) Visiting health professionals.

□

#### NEW SECTION

**WAC 170-296A-2075 Licensee and staff records.** Records for the licensee and each staff person must include documentation of:

- (1) Current first aid and infant, child and adult CPR training certification;
- (2) Bloodborne pathogens training certification;
- (3) TB test results or documentation as required under WAC 170-296A-1750;
- (4) Current state food handler permit for the licensee, and for other staff if required under WAC 170-296A-7675(3);
- (5) Completed background check form, or noncriminal background check form if applicable under WAC 170-296A-1225, and copy of the department-issued authorization letter;
- (6) Copy of a current government issued picture identification;
- (7) Emergency contact information;
- (8) Completed application form or resume for staff when hired;
- (9) Documentation of the licensee's and primary staff only:
  - (a) Twenty-hour basic STARS training; and
  - (b) Ongoing training completed;
- (10) Record of training provided by the licensee to staff and volunteers; and
- (11) Resume for the licensee only.

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NEW SECTION

**WAC 170-296A-2100 Required records for household members.** The licensee must keep the following records for household members:

- (1) Completed background check form and the department-issued clearance letter under chapter 170-06 WAC for each individual sixteen years old and older;
- (2) The department-issued clearance letter for household members age thirteen to sixteen years old and any assistant or volunteer fourteen to sixteen years old under WAC 170-296A-1225; and
- (3) TB test results under WAC 170-296A-1750 for:
  - (a) Household members sixteen years old or older; and
  - (b) Any household member fourteen to sixteen years old who is an assistant or volunteer.

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NEW SECTION

**WAC 170-296A-2125 Child attendance records--Staff to child ratio records.** The licensee must also keep records of:

- (1) Daily attendance for each child counted in capacity that includes the:
  - (a) Child's dates of attendance;
  - (b) Time the child arrives or returns to the child care, including signature of the person authorized by the child's parent or guardian to sign the child in; and
  - (c) Time the child leaves from the licensee's care including signature of the person authorized by the child's parent or guardian to sign the child out.
- (2) Names of staff being counted to meet the daily staff-to-child ratio requirements.

[]

NEW SECTION

**WAC 170-296A-2150 Facility records.** The licensee must keep the following facility records:

- (1) Monthly fire inspections required under WAC 170-296A-3050;
- (2) Fire extinguisher maintenance or receipts indicating annual purchase of new fire extinguisher(s), under WAC 170-296A-3000;
- (3) Septic system inspection and maintenance, if required under WAC 170-296A-1375;
- (4) Water testing results if required under WAC 170-296A-1400;
- (5) Installation or assembly instructions for play equipment under WAC 170-296A-5000(3);
- (6) Emergency preparedness evacuation drills under WAC 170-296A-2925;
- (7) Documents from any department visits, inspections or monitoring checklists; and
- (8) As applicable, compliance agreements or safety plans between the licensee and the

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department.

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### NEW SECTION

**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:

- (1) A statement of the licensee's philosophy of child development;
- (2) Emergency information:
  - (a) 911 or emergency services number;
  - (b) Name of the licensee, telephone number(s), address, and directions from the nearest major arterial street or nearest cross street to the licensed home;
  - (c) Washington poison center toll-free phone number; and
  - (d) DSHS children's administration intake (child protective services) toll-free telephone number.
- (3) Emergency preparedness plan and drills with the following information:
  - (a) Dates and times of previous drills;
  - (b) Procedure for sounding alarm;
  - (c) Monthly smoke detector check;
  - (d) Annual fire extinguisher check;
  - (e) Floor plan with escape routes and emergency exits identified;
  - (f) Emergency medical information or explanation of where that information can be found; and
  - (g) Emergency contact information for the licensee;
- (4) Child care licensing information:
  - (a) The current department-issued child care license;
  - (b) If applicable, a copy of current department-approved exceptions to the rules;
  - (5) If applicable, notice of any current or pending department enforcement action. Notice must be posted:
    - (a) Immediately upon receipt; and
    - (b) For at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer.
  - (6) A notice stating that additional information about the child care license is available upon request to the licensee. This information includes:
    - (a) Copies of department monitoring checklists;
    - (b) If applicable, any facility licensing compliance agreements (FLCA);
    - (c) If applicable, copy of any enforcement action taken by the department for the previous three years; and
    - (d) If applicable, notice that the licensee does not have liability insurance coverage, or that the coverage has lapsed or been terminated. See RCW 43.215.535;
  - (7) A statement on how the licensee will communicate with the parent or guardian on their child's development and parenting support; and
  - (8) A typical daily schedule as described in WAC 170-296A-6550.

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□

NEW SECTION

**WAC 170-296A-2200 Reporting incidents to 911 (emergency services).** The licensee or primary staff person must report to 911 emergency services the following:

- (1) A child missing from care, as soon as the licensee or staff realizes the child is missing;
- (2) Medical emergency (injury or illness) that requires immediate professional medical care;
- (3) Incorrect administration of any medication, except nonprescription topical creams or ointments;
- (4) Overdose of any oral, inhaled or injected medication;
- (5) Fire and other emergencies;
- (6) Poisoning or suspected poisoning; or
- (7) Other incidents requiring emergency response.

□

NEW SECTION

**WAC 170-296A-2225 Reporting incidents to Washington poison center.** The licensee or primary staff person must report to the Washington poison center, after calling 911, and follow any instructions of the poison center:

- (1) Any poisoning or suspected poisoning;
- (2) Incorrect administration of any medication, except nonprescription topical creams or ointments;
- (3) Overdose of any oral, inhaled or injected medication.

□

NEW SECTION

**WAC 170-296A-2250 Reporting incidents to a child's parent or guardian and the department.** The licensee must report to a child's parent or guardian and the department:

- (1) Immediately:
  - (a) Any incident reported under WAC 170-296A-2200, after calling 911;
  - (b) Any incident reported under WAC 170-296A-2225, after calling 911 and Washington poison center;
  - (c) A child's demonstrated acts, gestures or behaviors that may cause serious intentional harm to self, others or property; or
  - (d) Use of physical restraint with a child.
- (2) Within twenty-four hours:
  - (a) Injury or other health concerns to a child that does not require professional medical treatment (report to parent only);
  - (b) Change in child care staff, including serious illness or incapacity of the licensee that

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may impact child care staffing;

- (c) Additions to the household of persons sixteen years old or older;
- (d) The licensee's plans to move, including the date of the move;
- (e) Change in the licensee's phone number or e-mail;
- (f) Child's exposure to a reportable communicable disease from the list in WAC 246-110-

010(4); or

- (g) Updates to the parent handbook.

□

#### NEW SECTION

**WAC 170-296A-2275 Other incident reporting to the department.** (1) The licensee must report to the department any incidents or changes as required under WAC 170-296A-2200, or 170-296A-2225, 170-296A-2250, 170-296A-2300, and 170-296A-2325.

(2) The licensee must report to the department within twenty-four hours:

(a) Serious illness or incapacity of the licensee, staff or member of household, if the licensee:

(i) Has a reasonable expectation that the illness or incapacity will affect the licensee's ability to provide care; and

(ii) Is going to continue to provide care.

(b) For the licensee, staff, volunteer or household member age fourteen or older, any:

(i) Charge or conviction for a crime listed in WAC 170-06-0120;

(ii) Allegation or finding of child abuse or neglect under chapter 26.44 or 74.15 RCW;

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

(iv) Other charge or conviction for a crime that could be reasonably related to the individual's suitability to provide care for or have unsupervised access to children in care;

(c) Fire that results in damage to the license space or other parts of the premises;

(d) Structural damage to the licensed child care space or other parts of the premises;

(e) Prior to making structural changes to the licensed space; or

(f) Change in the required licensee policies.

□

#### NEW SECTION

**WAC 170-296A-2300 Reporting to DSHS children's administration intake.** The licensee and each staff person are required to report the following to DSHS children's administration intake-child protective services (CPS) or law enforcement as required under RCW 26.44.030, and to the licensor:

(1) Any suspected child abuse or neglect;

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

(3) Sexual contact between two or more children;

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

(5) Death of a child while in the licensee's care or from injury or illness that may have

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occurred while the child was in the licensee's care.

[]

#### NEW SECTION

**WAC 170-296A-2325 Reporting notifiable condition to health department.** The licensee must report a child diagnosed with a notifiable condition as defined in chapter 246-105 WAC to the local public health jurisdiction or the state department of health. Contact the local public health jurisdiction for the list of notifiable conditions and reporting requirements.

[]

#### NEW SECTION

**WAC 170-296A-2350 Policies.** (1) The licensee must have written policies for:  
(a) Parents and guardians, also known as the parent handbook;  
(b) Program and staff.  
(2) The licensee must submit all policies to the department.

[]

#### NEW SECTION

**WAC 170-296A-2375 Parent/guardian policies (handbook).** The licensee's written parent/guardian policies (handbook) must include:

- (1) Hours of operation including closures and vacations;
- (2) Information on how children's records are kept current, including immunization records;
- (3) Enrollment and disenrollment process;
- (4) Access to children during child care hours;
- (5) Program philosophy (the licensee's view of child learning and development);
- (6) Typical daily schedule, including food and rest periods;
- (7) Communication plan with parents/guardians including:
  - (a) How the parent or guardian may contact the licensee with questions or concerns; and
  - (b) How the licensee will communicate the child's progress with the parent or guardian at least twice a year;
- (c) How the licensee will support parents regarding parenting;
- (8) Written plan for any child's specific needs if applicable;
- (9) Fee and payment plans;
- (10) Religious activities and how families' specific religious preferences are addressed;
- (11) How holidays are recognized in the program;
- (12) Confidentiality policy including when information may be shared. See WAC 170-296A-2025;
- (13) Items that the licensee requires the parent or guardian to provide;
- (14) Guidance and discipline policy. See WAC 170-296A-6050;

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- (15) If applicable, infant/toddler care including SIDS prevention, feeding, diapering and toilet training;
- (16) Reporting suspected child abuse or neglect;
- (17) Food service practices;
- (18) Off-site field trips requirements. See WAC 170-296A-2450;
- (19) Transportation requirements. See WAC 170-296A-6475;
- (20) Staffing plan;
- (21) Access to licensee's and staff training and professional development records;
- (22) Pet policies. See WAC 170-296A-4800;
- (23) Health care and emergency preparedness policies including:
  - (a) Emergency preparedness and evacuation plans. See WAC 170-296A-2825;
  - (b) Injury or medical emergency response and reporting;
  - (c) Medication management including storage and dispensing. See WAC 170-296A-3325;
  - (d) Exclusion/removal policy of ill persons. See WAC 170-296A-3225;
  - (e) Reporting of notifiable conditions to public health;
  - (f) Immunization tracking. See WAC 170-296A-3250; and
  - (g) Infection control methods, including:
    - (i) Handwashing (WAC 170-296A-3625) and, if applicable, hand sanitizers (WAC 170-296A-3650); and
    - (ii) Cleaning and sanitizing procedures including the sanitizing method and products used. See WAC 170-296A-3850 through 170-296A-3925;
- (24) Napping/sleeping;
- (25) No smoking policy. See WAC 170-296A-4050;
- (26) Drug and alcohol policy. See WAC 170-296A-4025;
- (27) If applicable, guns and weapons storage. See WAC 170-296A-4725; and
- (28) If applicable, overnight care requirements. See WAC 170-296A-6850.

□

## NEW SECTION

**WAC 170-296A-2400 Program/operations policies.** The licensee must have written program/operations policies that include:

- (1) All information in the parent/guardian handbook under WAC 170-296A-2375;
- (2) Plans to keep required program/staff records current;
- (3) Child supervision requirements;
- (4) Mandatory reporting requirement of suspected child abuse and neglect and other incidents under WAC 170-296A-2300;
- (5) Plan for off-site field trips;
- (6) Plan for transporting children;
- (7) Plans for restricting children's access to unlicensed space;
- (8) Medical emergency, fire, disaster and evacuation responsibilities;
- (9) Guidance and discipline responsibilities;
- (10) Overnight care, if applicable; and

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(11) Plan for staff (when applicable) to include:

- (a) Staff responsibilities;
- (b) Staff training;
- (c) Staff expectations; and
- (d) Professional development.

[]

#### NEW SECTION

**WAC 170-296A-2425 Staff policies.** If the licensee hires staff or uses volunteers, the licensee must have written staff policies and provide training on the policies to all staff and volunteers. Staff policies must include:

(1) All the information in the parent/guardian handbook under WAC 170-296A-2375, except fees;

(2) Plan for keeping staff records current including:

- (a) Completed background check forms and department clearance letters;
- (b) First aid and CPR certification;
- (c) TB test results;
- (d) Required training and professional development for primary staff persons; and
- (e) Training that the licensee must provide to staff;

(3) Job description;

(4) Staff responsibilities for:

- (a) Child supervision requirements;
- (b) Guidance/discipline techniques;
- (c) Food service practices;
- (d) Off-site field trips;
- (e) Transporting children;
- (f) Restricting children's access to unlicensed space;
- (g) Health, safety and sanitization procedures;
- (h) Medical emergencies, fire, disaster and evacuations;
- (i) Mandatory reporting of suspected child abuse and neglect; and
- (j) Overnight care, if applicable.

[]

#### NEW SECTION

**WAC 170-296A-2450 Off-site activity policy.** The licensee must have a written policy for off-site activities that includes:

- (1) Parent notification and permissions. See WAC 170-296A-6400;
- (2) Supervision plan;
- (3) Transportation plan. See WAC 170-296A-6475;
- (4) Emergency procedures including bringing each child's:
  - (a) Emergency contact information;
  - (b) Medical records;
  - (c) Immunization records;
  - (d) Individual medications for children who have them; and

- (e) Medication administration log;
- (5) Medication management;
- (6) Maintaining a complete first-aid kit; and
- (7) Charging of fees if any.

□

## **FIRE AND EMERGENCY PREPAREDNESS**

### NEW SECTION

**WAC 170-296A-2525 Building codes.** A single-family residence used for licensed family home child care is considered a group R (residential), division 3 occupancy structure by the state building code.

□

### NEW SECTION

**WAC 170-296A-2550 Requesting local fire department visit.** (1) The licensee must request the local fire department to visit the home to become familiar with the facility and to assist in planning evacuation or emergency procedures.

(2) If the local fire department does not provide this service, the licensee must have written documentation on file that the request was made.

□

### NEW SECTION

**WAC 170-296A-2575 Flammable materials.** (1) The licensee must not allow combustible materials (including, but not limited to, lint, grease, oils, or solvent soaked rags) or rubbish to accumulate; those items must be removed from the building or stored in closed metal containers.

(2) The licensee must store items labeled "flammable," in areas that are inaccessible to children and away from exits.

□

### NEW SECTION

**WAC 170-296A-2600 Furnaces.** (1) The licensee must keep paper, rubbish, or combustible materials at least three feet away from any furnace.

(2) The furnace must be inaccessible to the children, isolated, enclosed or protected.

□

NEW SECTION

**WAC 170-296A-2625 Electrical motors.** The licensee must keep electrical motors on appliances free of accumulated dust or lint.

[]

NEW SECTION

**WAC 170-296A-2650 Fireplaces, wood stoves, similar heating devices.** (1) If the home has a fireplace, wood stove or similar heating device that will be in use, the licensee must:

(a) Have the device inspected annually by a qualified fireplace, wood stove or chimney specialist; and

(b) Maintain the heating device as required by the inspection.

(2) The fireplace, wood stove or similar heating device must be inaccessible to the children during operating hours.

(3) The licensee may provide a written statement if the fireplace, wood stove or similar heating device will not be used at any time.

[]

NEW SECTION

**WAC 170-296A-2675 Open flame devices, candles, matches and lighters.** (1) Except as provided in WAC 170-296A-2650 or kitchen ranges using natural gas or propane, the licensee must not use or allow the use of open flame devices in the licensed space or any space accessible to the children during operating hours.

(2) The licensee must not use or allow the use of candles during operating hours.

(3) The licensee must keep matches and lighters inaccessible to children.

[]

NEW SECTION

**WAC 170-296A-2700 Emergency flashlight.** The licensee must have a working flashlight available for use as an emergency light source.

[]

NEW SECTION

**WAC 170-296A-2725 Portable heaters and generators.** The licensee must not use or allow the use of portable heaters or fuel powered generators in any area inside of the family home child care or building during operating hours.

[]

NEW SECTION

**WAC 170-296A-2750 House numbers.** The licensee must place house numbers or address where the numbers are legible and plainly visible from the street or road in front of the premises.

[]

NEW SECTION

**WAC 170-296A-2775 Telephone.** (1) The licensee must have a working telephone in the licensed space.

(2) The licensee must have a landline telephone readily available that does not require electricity. Voice over internet telephone or cable telephone service are not acceptable substitutes for a landline telephone.

[]

NEW SECTION

**WAC 170-296A-2800 Access for emergency vehicles.** The licensed family home child care must be accessible to emergency vehicles.

[]

NEW SECTION

**WAC 170-296A-2825 Fire evacuation plan.** (1) The licensee must develop a written fire evacuation plan and post it at a place that is clearly visible to the staff, parents and guardians. The evacuation plan must be evaluated annually and updated as needed.

(2) The evacuation plan must include:

(a) An evacuation floor plan that identifies emergency exit pathways, doors, and windows;

(b) Method(s) to be used for sounding an alarm;

(c)(i) Calling 911; and

(ii) Actions to be taken by the person discovering the fire;

(d) How the licensee and staff will evacuate all children, especially children who cannot walk;

(e) How the licensee and staff will account for all of the children in attendance;

(f) Where children and staff will gather away from the building pending arrival of the fire department or emergency response; and

(g) How the licensee will inform parents or guardians and arrange pick up of children if needed.

[]

NEW SECTION

**WAC 170-296A-2850 Disaster plan.** (1) The licensee must have a written disaster plan for emergencies other than fire. The plan must be reviewed annually and updated as needed.

(2) The written disaster plan must cover at minimum the following:

(a) For disasters that require evacuation:

(i) How the licensee and staff will evacuate all children, especially those who cannot walk.

(ii) What to take when evacuating the children, including:

(A) First aid kit;

(B) Child medication records; and

(C) If applicable, individual children's medication;

(iii) Where to go; and

(iv) How the licensee and staff will account for all of the children in attendance.

(b) Earthquake procedures including:

(i) What the licensee and staff will do during an earthquake;

(ii) How the licensee and staff will account for all of the children in attendance; and

(iii) After an earthquake, how the licensee will assess whether the licensed space is safe for the children;

(c) Lockdown of the facility or shelter-in-place, including:

(i) How doors and windows will be secured if needed; and

(ii) Where children will stay safely inside the facility; and

(d) How parents and guardians will be contacted after the emergency situation is over.

(3) The licensee must keep on the premises a three-day supply of food, water, and medications required by individual children for use in a disaster, lockdown, or shelter-in-place incident.

□

NEW SECTION

**WAC 170-296A-2875 Fire, disaster training for staff and volunteers.** (1) The licensee must provide fire, evacuation and disaster training for all staff and volunteers. The training must include:

(a) All elements of the fire, evacuation and disaster plans;

(b) Operation of the fire extinguishers;

(c) How to test the smoke detectors and replace smoke detector batteries; and

(d) Staff responsibilities in the event of a fire or disaster.

(2) The training must be documented in the staff's or volunteer's personnel file.

□

NEW SECTION

**WAC 170-296A-2900 Emergency drills.** The licensee and staff must practice emergency drills with the children as follows:

(1) Fire/evacuation drill: Once each calendar month;

- (2) Earthquake drill: Once every three calendar months; and
- (3) Lockdown/shelter-in-place drill: Once annually.

[]

#### NEW SECTION

**WAC 170-296A-2925 Record of emergency drills.** The licensee must keep records of emergency drills performed, and post the records as required in WAC 170-296A-2175. Records must include:

- (1) The date and time the drill took place;
- (2) Staff who participated;
- (3) Number of children who participated;
- (4) Length of drill; and
- (5) Notes about how the drill went including:
  - (a) What the licensee learned; and
  - (b) What the licensee thinks should be done differently at the next drill.

[]

#### NEW SECTION

**WAC 170-296A-2950 Smoke detectors.** (1) The licensee must have and maintain working smoke detectors in the home.

- (2) At least one smoke detector must be located:
  - (a) In each licensed sleeping area;
  - (b) On each level of the home; and
  - (c) In the kitchen area.
- (3) Smoke detectors must be placed on the ceiling or wall, but not on the wall above any door.
- (4) One extra battery for each smoke detector must be kept on the premises.

[]

#### NEW SECTION

**WAC 170-296A-2975 Additional method to sound an alarm.** In addition to working smoke detectors, the licensee must have an additional method to sound an alarm that is used only in a fire, emergency situation or drill.

[]

#### NEW SECTION

**WAC 170-296A-3000 Fire extinguishers.** (1) The licensee must have working fire extinguishers, minimum 2 A: 10 BC, readily available. A fire extinguisher must be:

- (a) Located on each level of the home used for child care; and
- (b) Mounted:

- (i) Within seventy-five feet of an exit; and
- (ii) Along the path of an exit.
- (2) A fire extinguisher may be mounted in a closed unlocked closet. There must be:
  - (a) A sign on the closet door to indicate that a fire extinguisher is mounted inside; and
  - (b) No obstructions blocking access to the closet.
- (3) The licensee must have documentation on file of annual:
  - (a) Fire extinguisher maintenance; or
  - (b) Proof of purchasing new extinguishers.

□

NEW SECTION

**WAC 170-296A-3025 Fire extinguisher, smoke detector use and testing.** The licensee and staff must demonstrate to the licenser how to:

- (1) Use fire extinguishers;
- (2) Test and operate the smoke detectors; and
- (3) Test alternate alarm device(s).

□

NEW SECTION

**WAC 170-296A-3050 Monthly fire inspection.** The licensee must inspect the home once each calendar month to identify possible fire hazards and take action to eliminate any hazards found. If the licensee employs a primary staff person, the primary staff person must participate in monthly fire hazard inspections. The licensee must keep records of monthly inspections.

□

**HEALTH**

NEW SECTION

**WAC 170-296A-3200 Health plan.** The licensee must have a written health plan. The health plan must include:

- (1) Communicable disease notification under WAC 170-296A-3210;
- (2) Exclusion of ill person under WAC 170-296A-3225;
- (3) Immunization tracking under WAC 170-296A-3250 through 170-296A-3300;
- (4) Medication management under WAC 170-296A-3325 through 170-296A-3550;
- (5) Medication storage;
- (6) Injury treatment under WAC 170-296A-3375 through 170-296A-3600; and
- (7) Handwashing and hand sanitizers under WAC 170-296A-3625 through 170-296A-

3675.

□

NEW SECTION

**WAC 170-296A-3210 Communicable disease--Notice and procedure.** When the licensee becomes aware that he or she, a household member, staff person or child in care has been diagnosed with a communicable disease as described in DOH WAC 246-110-010(4), the licensee must:

- (1) Notify:
  - (a) The local public health jurisdiction or DOH;
  - (b) DEL within twenty-four hours from time the licensee receives notification of the diagnosis;
  - (c) Parents and guardians of all the children in care; and
- (2) Follow the health plan before providing care or before readmitting the household member, staff person or child into the child care.

□

NEW SECTION

**WAC 170-296A-3225 Exclusion of ill persons.** The licensee's health plan includes provisions for excluding or separating a child, staff person, or household member with communicable disease as described in WAC 246-110-010(4) or any of the following:

- (1) Fever of one hundred one degrees Fahrenheit or higher;
- (2) Vomiting that occurs two or more times in a twenty-four-hour period;
- (3) Diarrhea with three or more watery stools in a twenty-four-hour period;
- (4) Rash not associated with heat, diapering or an allergic reaction; or
- (5) Drainage of thick mucus and pus from the eye.

□

NEW SECTION

**WAC 170-296A-3250 Immunization tracking.** The licensee is required to track each child's immunization status. The licensee must:

- (1) Except as provided in WAC 170-296A-3200 or 170-296A-3275, have a complete current certificate of immunization status (CIS) form or similar form supplied by a health care professional for each child, submitted on or before the child's first day of child care;
- (2) Develop a system to update and keep individual immunization records current to include when immunizations are received; and
- (3) Have the CIS or similar forms for each currently enrolled child available in licensed space for review by the licensor.

□

NEW SECTION**WAC 170-296A-3275 Accepting a child who does not have current immunizations.**

(1) The licensee may accept a child who is not current with immunizations on a conditional basis if immunizations are:

- (a) Initiated before or on enrollment; and
- (b) Completed as soon as medically possible.

(2) The licensee must have on file a document signed and dated by the parent or guardian stating when the child's immunizations will be brought up to date.

□

NEW SECTION

**WAC 170-296A-3300 Immunizations--Exemption.** The licensee may accept a child without any immunizations if the parent or guardian:

(1) Signs a statement expressing a religious, philosophical or personal objection to immunization.

(2) Provides a DOH certificate of exemption form or similar statement.

□

NEW SECTION

**WAC 170-296A-3325 Medication storage.** The licensee must store all medications (except rescue medications under WAC 170-296A-3350 and topical nonprescription medications described in WAC 170-296A-4100), vitamins, herbal remedies, dietary supplements and pet medications in a locked cabinet or locked container.

□

NEW SECTION

**WAC 170-296A-3350 Child's emergency rescue medications.** The licensee must keep emergency rescue medications inaccessible but available for emergency use to meet a child's emergency medical needs.

□

NEW SECTION

**WAC 170-296A-3375 Medication permission.** (1) The licensee must have written permission from a child's parent or guardian to give a child any medication. The permission must include:

- (a) Child's name;
- (b) Name of the medication and condition being treated;
- (c) Dose to be given;

(d) Start and stop date for administering medication not to exceed thirty calendar days, except as provided in subsection (2) of this section;

- (e) Parent or guardian signature; and
- (f) Date of signature.

(2) A parent or guardian may give the licensee ninety calendar days permission for use of the following:

(a) Diaper ointments and talc free powders intended specifically for use in the diaper area of children;

- (b) Sun screen;
- (c) Hand sanitizers; or
- (d) Hand wipes with alcohol.

(3) The licensee must keep a written record of medication administration (medication log) that includes the:

- (a) Child's name;
- (b) Name of medication;
- (c) Dose given;
- (d) Dates and time of each medication given; and
- (e) Name and signature of the person administering the medication.

(4) The licensee must allow the parent or guardian to review their own child's written medication administration records.

(5) The licensee must return any unused medication to the child's parent or guardian.

(6) Medication permission forms must be kept confidential.

(7) Medication permission forms and medication logs for the previous twelve months must be kept in the licensed space and be available for review by the licensor.

□

NEW SECTION

**WAC 170-296A-3400 Administering medications.** (1) Only the licensee or primary staff person may administer medication, or observe a child administering their own medication as described in WAC 170-296A-3550.

(2) The licensee or primary staff person must not administer or allow administration of an expired medication.

□

NEW SECTION

**WAC 170-296A-3425 Medication requirements.** The licensee or primary staff person must follow the medication directions for managing and administering prescription and nonprescription medication for the individual children in care.

□

NEW SECTION

**WAC 170-296A-3450 Sedating a child prohibited.** The licensee or primary staff person must not administer or allow administration of any medication for the purpose of sedating a child unless the medication has been prescribed for that purpose by a qualified health care professional.

[]

NEW SECTION

**WAC 170-296A-3475 Administering prescription medication.** The licensee or primary staff must administer a prescribed medication only:

- (1) To the child that the medication is prescribed for;
- (2) In amount and frequency prescribed by a health care professional with prescription authority;
- (3) For the purpose or condition that the medication is prescribed to treat;
- (4) When the medication:
  - (a) Is in the original container;
  - (b) Is labeled with the child's first and last name;
  - (c) Has a nonexpired expiration date;
- (5) If the parent or guardian provides information from the pharmacy about:
  - (a) Medication storage;
  - (b) Potential adverse reactions or side effects; and
- (6) If the medication is stored at the proper temperature noted on the container label or pharmacy instructions.

[]

NEW SECTION

**WAC 170-296A-3525 Nonprescription medications.** The licensee or primary staff may administer nonprescription medications, as defined in this chapter, only when:

- (1) The nonprescription medication is:
  - (a) Given to or used with a child only in the dosage and as directed on the manufacturer's label;
  - (b) Given in accordance to the age or weight of the child needing the medication;
  - (c) Given only for the purpose or condition that the medication is intended to treat;
  - (d) Is in the original container; and
  - (e) Has a nonexpired expiration date, if applicable.
- (2) The container includes, or the parent or guardian provides information about:
  - (a) Medication storage;
  - (b) Potential adverse reactions or side effects.
- (3) The medication is stored at the proper temperature noted on the container label or pharmacy instructions.

[]

NEW SECTION

**WAC 170-296A-3550 Children taking their own medication.** The licensee may permit a child to take his or her own medication if:

- (1) The licensee follows all of the requirements in WAC 170-296A-3475 (1) through (6);
- (2) The child is physically and mentally capable of properly taking the medicine;
- (3) The licensee has on file the child's parent or guardian written approval for the child to take his or her own medication;
- (4) The medication and related medical supplies are locked and inaccessible to other children and unauthorized persons, except emergency rescue medications that may be stored inaccessible to other children but not locked; and
- (5) The licensee or a primary staff person observes and documents in the child's medication administration record that the medication was taken.

□

NEW SECTION

**WAC 170-296A-3575 Injuries requiring first aid only.** When a child has an injury that requires first aid only, a written or verbal notice must be given to the parent or guardian and keep a record of the notice on file.

□

NEW SECTION

**WAC 170-296A-3600 Injuries or illness requiring professional medical treatment.**

- (1) When the licensee becomes aware that a child's injury or illness may require professional medical treatment, the licensee must:
  - (a) Call 911, when applicable and follow their recommendations;
  - (b) Administer first aid;
  - (c) Call the child's parent or guardian;
  - (d) Call the department; and
  - (e) Within twenty-four hours, submit an injury/incident report form to the department.
- (2) The injury/incident report form must include:
  - (a) The name of child;
  - (b) The date, time and location where the injury or illness occurred;
  - (c) A description of the injury or illness;
  - (d) The names of staff present;
  - (e) The action taken by staff; and
  - (f) The signature of licensee.

□

NEW SECTION

**WAC 170-296A-3625 Handwashing.** (1) The licensee and staff must follow and teach children proper handwashing procedures. Proper handwashing procedures include:

- (a) Wetting hands with warm water;
- (b) Apply soap to the hands;
- (c) Washing hands;
- (d) Rinsing hands;
- (e) Drying hands with a paper towel, single-use cloth towel or air hand dryer; and
- (f) Turning off the water with paper towel or single use cloth towel.

(2) Paper towels must be disposed of after a single use.  
(3) If cloth towels are used, the licensee must wash and sanitize each hand towel after a single use.

(4) If an air hand dryer is used, it must have a heat guard to prevent burning and must turn off automatically.

[]

NEW SECTION

**WAC 170-296A-3650 Hand sanitizers.** (1) If the licensee has a written and signed parent or guardian permission as described in WAC 170-296A-3375(2), the licensee may use hand sanitizer products only with children over twelve months old. Hand sanitizer products may be used:

(a) When handwashing facilities are not available, such as an outing, emergency, or disaster; or

(b) After proper handwashing.

(2) Hand sanitizer gels must not be used in place of proper handwashing if handwashing facilities are available.

[]

NEW SECTION

**WAC 170-296A-3675 When handwashing is required.** The licensee, staff and children must wash their hands and follow proper handwashing techniques:

- (1) After using the toilet;
- (2) After diapering a child;
- (3) After outdoor play;
- (4) After playing with animals;
- (5) After touching an animal's toys;
- (6) After touching body fluids;
- (7) Before and after the child eats or participates in food activities; or
- (8) As needed.

[]

NEW SECTION

**WAC 170-296A-3700 Carpets.** The licensee must clean installed carpet in the licensed space at least once each calendar year or more often when soiled.

[]

NEW SECTION

**WAC 170-296A-3725 Sleeping.** (1) The licensee must provide mats, cots, or other sleeping equipment long enough and wide enough for the size of the child.

(2) The licensee must never place the children directly on the floor to sleep.

(3) When children are sleeping there must be enough space between children to give staff access to each child.

[]

NEW SECTION

**WAC 170-296A-3750 Mats, cots and other sleeping equipment.** (1) The licensee must provide mats, cots, or other approved sleeping equipment that are made of material that can be cleaned and sanitized.

(2) Mats, cots or other sleeping equipment must be cleaned, sanitized, and air dried:

(a) At least once a week or as needed if used by one child; or

(b) Between each use if used by different children.

(3)(a) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water;

(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

(4) Mats, cots, and other sleeping equipment must be stored so that the sleeping surfaces are not touching each other, unless they are cleaned and sanitized after each use.

[]

NEW SECTION

**WAC 170-296A-3760 Cribs.** In order to meet federal requirements, a licensee who uses a crib with children in care must comply with this section.

(1) Effective December 28, 2012, each crib in use in licensed child care must meet U.S. Consumer Product Safety Commission (CPSC) requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or nonfull-size cribs as defined in 16 CFR 1220.

(2) A crib meets the requirements of this section if the crib is labeled by the manufacturer as made on or after June 28, 2011.

(3) A crib labeled as made from July 1, 2010 through June 27, 2011 may meet the requirements of this section if the licensee has obtained a certificate of compliance from the crib manufacturer or importer, or the licensee has other documentation from the manufacturer that the

crib is certified as meeting the CPSC regulations.

(4) A crib that does not meet the requirements of subsection (2) or (3) of this section must be removed from the child care facility not later than December 28, 2012.

(5) The licensee must keep in the licensed space a log documenting that each crib in use meets the requirements of this section.

[]

NEW SECTION

**WAC 170-296A-3775 Bedding.** Each child's bedding, including sleeping bags and slumber bags, must:

- (1) Meet the child's developmental needs;
- (2) Consist of a clean sheet or blanket to cover the sleeping surface;
- (3) Include a waterproof moisture barrier under the sheet or blanket;
- (4) Have a clean, suitable cover for the child; children must not nap directly on the waterproof moisture barrier or the floor;
- (5) Be laundered weekly or more often if soiled or used by different children; and
- (6) Be stored separately from bedding used by another child.

[]

NEW SECTION

**WAC 170-296A-3800 Overnight sleeping.** If the licensee is approved by the department to provide overnight care, the licensee must provide every child a bed or other sleeping equipment to sleep that:

- (1) Is safe and in good condition;
- (2) Is waterproof or washable; and
- (3) Meets the child's developmental needs.

[]

NEW SECTION

**WAC 170-296A-3825 Loft style and bunk beds.** The licensee must not allow children less than six years of age to use:

- (1) Loft style beds; or
- (2) Upper bunks of bunk beds.

[]

NEW SECTION

**WAC 170-296A-3850 Cleaning laundry.** The licensee must wash child care laundry using:

- (1) Laundry soap or detergent; and
- (2)(a) Temperature control (warm or hot cycle); or

(b) Bleach.

[]

NEW SECTION

**WAC 170-296A-3875 Cleaning and sanitizing toys.** (1) The licensee must clean and sanitize toys:

- (a) After they have been in a child's mouth;
- (b) After being contaminated with body fluids or visibly soiled; or
- (c) Not less than weekly when the toys have been used by the children.

(2)(a) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water;

(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

[]

NEW SECTION

**WAC 170-296A-3925 Cleaning and sanitizing table.** The following table describes the minimum frequency for cleaning or sanitizing items in the licensed space.

CLEANING AND SANITIZING TABLE			
	CLEAN	SANITIZE	FREQUENCY
(a) Kitchens.			
(i) Countertops/tabletops, floors, doorknobs, and cabinet handles.	X	X	Daily or more often when soiled.
(ii) Food preparation/surfaces.	X	X	Before/after contact with food activity; between preparation of raw and cooked foods.
(b) Carpets and large area rugs/small rugs.	X		1. Vacuum daily.  2. Installed carpet must be cleaned yearly or more often when soiled.  Small rugs shake outdoors or vacuum daily. Launder weekly or more often when soiled.  Removable rugs may be used in the bathroom. They must be easily removable and able to be washed when needed. If used daily when children are in care, rugs must be washed daily.

(c)	Toys, other surfaces.			
(i)	Utensils, surfaces/toys that go in the mouth or have been in contact with other body fluids.	X	X	After each child’s use; or use disposable, one-time utensils or toys.
(ii)	Toys that are not contaminated with body fluids and machine-washable cloth toys. Dress-up clothes (not worn on the head or come into contact with the head while dressing). Combs/hairbrushes, (none of these items should be shared among children).	X		Weekly or more often when visibly soiled.
(d)	Bedding, blankets, sleeping bags, individual sheets, pillowcases, and washcloths, (if used).	X	X	Weekly or more often when soiled.  Items that are put in the washing machine must be cleaned by using laundry detergent and sanitized by temperature (hot water at 140°F) or a chemical sanitizer such as bleach.
(e)	Hats and helmets.	X		After each child’s use or use disposable hats that only one child wears.
(f)	Cribs and crib mattresses.	X	X	Weekly, before use by different child, and more often whenever soiled or wet.
(g)	Toilet and diapering areas.			
(i)	Handwashing sinks, faucets, surrounding counters, soap dispensers, doorknobs.	X	X	Daily or more often when soiled.
(ii)	Toilet seats, toilet training rings, toilet handles, doorknobs or cubicle handles, floors.	X	X	Daily or immediately if visibly soiled.
(iii)	Toilet bowls.	X	X	Daily or more often as needed (e.g., child vomits or has explosive diarrhea, etc.).
(iv)	Changing tables, potty chairs (use of potty chairs in child care is discouraged because of high risk of contamination).	X	X	After each child's use.

(h) Waste receptacles.	X		Daily or more often as needed.
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□

NEW SECTION

**WAC 170-296-3950 Pest Control.** When pests are present in the licensed space, the licensee must:

- (1) Take action to remove or eliminate pests; and
- (2)(a) Use the least poisonous method possible; or
- (b) If chemical pesticides are used, post a notice visible to parents, guardians and any other interested party forty-eight hours in advance of the application of pesticides.

□

NEW SECTION

**WAC 170-296A-3975 Poisons.** The licensee must:

- (1) Store poisons inaccessible to children and away from food.
- (2) Label the containers when poisons are not in their original containers.

□

NEW SECTION

**WAC 170-296A-4000 Lead, asbestos and arsenic.** The licensee must take action to prevent child exposure when the licensee becomes aware that any of the following are present in the indoor or outdoor licensed space:

- (1) Lead based paint;
- (2) Plumbing containing lead or lead solders;
- (3) Asbestos; or
- (4) Arsenic or lead in the soil.

□

NEW SECTION

**WAC 170-296A-4025 Drugs and alcohol.** (1) The licensee staff, volunteers, or household members must not:

- (a) Have or use illegal drugs on the premises;
  - (b) Consume alcohol during operating hours; or
  - (c) Be under the influence of alcohol, illegal drugs or misused prescription drugs when working with or in the presence of children in care.
- (2) The licensee must keep and store all alcohol, including closed and open containers, inaccessible to children.

[]

NEW SECTION

**WAC 170-296A-4050 No smoking.** (1) As required by chapter 70.160 RCW, the licensee must, under the following conditions, prohibit smoking by anyone during operating hours:

- (a) Inside the home;
- (b) In any outdoor or indoor licensed space;
- (c) Within twenty-five feet from any entrance, exit, window, or ventilation intake of the home; or
- (d) In motor vehicles while transporting children.

(2) The licensee must keep tobacco products, cigarettes and containers holding cigarette butts, cigar butts, or ashes inaccessible to the children.

[]

NEW SECTION

**WAC 170-296A-4075 First aid kit.** (1) The licensee must have a complete first aid kit at all times:

- (a) In the licensed space;
  - (b) On any off-site trip; and
  - (c) In any vehicle used to transport children in care.
- (2) A complete first aid kit must include clean:
- (a) Disposable nonporous protective gloves;
  - (b) Adhesive bandages of various sizes;
  - (c) Small scissors;
  - (d) Tweezers;
  - (e) An elastic wrapping bandage;
  - (f) Sterile gauze pads;
  - (g) Ice pack;
  - (h) Mercury free thermometer for taking a child's temperature;
  - (i) Large triangular bandage, for use as a sling;
  - (j) Adhesive tape; and
  - (k) One-way CPR barrier or mask.
- (3) The first aid kit must include a current first aid manual.

[]

NEW SECTION

**WAC 170-296A-4100 Storage of medications, chemicals and other substances.** The following table describes medications, chemicals and other substances that must be:

- (1) Stored in a locked container or cabinet until use; or
- (2) Stored inaccessible to children. Rescue medications described in subsection (3) of the table must be available for the licensee or primary staff to administer to a child if needed.

<b>Medication/Chemical/Other Substance Storage</b>		
This list is not inclusive of all possible items in each category. Medications must be stored as directed on label, including refrigeration if applicable.		
<b>If the medication is a (an):</b>	<b>The medication must be stored in a locked container or cabinet</b>	<b>The medication must be stored inaccessible to children</b>
<b>(3) Individual child's rescue medications</b>		
(a) Any medication used to treat an allergic reaction		X
(b) Nebulizer medication		X
(c) Inhaler		X
(d) Bee sting kit		X
(e) Seizure medication		X
(f) Medicine needed for emergencies		X
<b>(4) Nonprescription medication, including herbal or natural</b>		
(a) Pain reliever, cough syrup, cold, or flu medication	X	
(b) Vitamins, all types including natural	X	
(c) Topical nonprescription medication		X
<b>(5) Prescription medication</b>		
(a) Intended use – topical		X
(b) Intended use – ingestible or by injection	X	
<b>(6) Chemicals</b>		
(a) Nail polish remover		X
(b) Disinfectant and sanitizers		X

(c) Household cleaners		X
(d) Toxic paints		X
(e) Plant fertilizer		X
(f) Ice melt		X
(g) Pool chemicals		X
(h) Pesticides/herbicides		X
(i) Fuels, oil, lighter fluid, matches		X
(j) Air freshener, aerosols		X
<b>(7) Other substances</b>		
(a) Lotions, creams, toothpaste and diaper creams when not in use		X
(b) Liquid, powder or cream personal hygiene products when not in use		X
(c) Shampoo		X
(d) Bubble bath		X
(e) Dish soap		X
(f) Make-up/cosmetics		X
(g) Pet medications	X	
(h) Tobacco products, including cigarette butts and ash trays		X
(i) Alcohol (liquor), opened or unopened		X

□

**ENVIRONMENTS**

NEW SECTION

**WAC 170-296A-4200 Removing recalled items.** The licensee must maintain equipment, toys or other items in the child care in good and safe working condition. The licensee must maintain awareness of equipment, toys or other items used in child care listed for recall by the U.S. Consumer Product Safety Commission.

[]

NEW SECTION

**WAC 170-296A-4225 Indoor licensed space--Minimum space.** (1) The indoor licensed space must have thirty-five square feet per child for the maximum number of children stated on the license, measured to include only the space intended for use by children in care.

(2) The space under furniture used by the children is counted in square footage.

(3) Indoor space that is not counted in the minimum square footage requirement includes:

(a) Unlicensed space that is made inaccessible to children in care;

(b) Space under furniture not used by the children;

(c) Hallway space that leads to an exit;

(d) Bathrooms; and

(e) Closets not used for child care activities.

(4) An office or kitchen that is made inaccessible to the children and is not intended for their use may be included as licensed space but is not counted as part of the minimum square footage.

[]

NEW SECTION

**WAC 170-296A-4250 Indoor temperature.** The indoor temperature must be no less than:

(1) Sixty degrees Fahrenheit when children are sleeping or napping; and

(2) Sixty-five degrees Fahrenheit when the majority of the children are awake.

[]

NEW SECTION

**WAC 170-296A-4275 Fans, air conditioning or cross ventilation.** The licensee must use a fan, air conditioner or cross ventilation in licensed space when the inside temperature exceeds eighty degrees Fahrenheit. Fans and air conditioners must be kept inaccessible to the children.

[]

NEW SECTION

**WAC 170-296A-4300 Window coverings.** (1) Window coverings with pull cords or inner cords capable of forming a loop are prohibited as provided by RCW 43.215.360.

(2) Window coverings may be allowed that have been manufactured or altered to eliminate the formation of a loop.

(3) A window covering may not be secured to the frame of a window or door used as an emergency exit in any way that would prevent the window or door from opening easily.

□

NEW SECTION

**WAC 170-296A-4325 Stairs.** (1) If there are stairs in the licensed space, the licensee must:

- (a) Keep the stairway well lit;
  - (b) Keep the stairway free of clutter; and
  - (c) Have a handrail or vertical slats on one side of the stairs that children can reach.
- (2) The licensee must keep the stairs inaccessible to the children when not in use with a:
- (a) Barrier;
  - (b) Nonpressure gate; or
  - (c) Door.

□

**ELECTRICAL AND LIGHTING**NEW SECTION

**WAC 170-296A-4350 Electrical outlets, cords and power strips.** (1) The licensee must provide tamper-resistant outlet covers or receptacles in areas accessible to children. As used in this section "tamper-resistant receptacle" also means tamper-resistant outlets or child safety outlets that have automatic shutters which allow insertion of electrical plugs but block insertion of other objects.

(2) Interior outlets near sinks, tubs or toilets must be:

- (a) Tamper-resistant ground fault circuit interrupter (GFCI) type; or
- (b) Made inaccessible to the children.

(3) Electrical cords must be:

- (a) Secured to prevent a tripping hazard;
- (b) In good working order, not torn or frayed and without any exposed wire; and
- (c) Plugged directly into an outlet or a surge protector.

(4) Power strips with a surge protector may be used and must be made inaccessible to the children.

(5) Extension cords may be used only for a brief or temporary purpose and must be plugged directly into an outlet or into a surge protected power strip.

□

NEW SECTION

**WAC 170-296A-4360 Area lighting.** (1) In the licensed space, lighting must be bright in the children's activity areas, eating areas and the bathroom.

(2) All other areas in the licensed space must have lighting so children are safe.

[]

NEW SECTION

**WAC 170-296A-4375 Lighting safety.** (1) When ceiling-mounted light fixtures are in the play space, the licensee must provide one or more of the following:

- (a) Shatter-resistant covers;
- (b) Shatter-resistant light bulbs; or
- (c) Otherwise make the light fixtures safe.

(2) The licensee must not:

- (a) Allow bare light bulbs in any play space; or
- (b) Use lights or light fixtures indoors that are intended or recommended for outdoor use;

or

- (c) Use halogen lamps in any area accessible to children during operating hours.

[]

**EXITS**NEW SECTION

**WAC 170-296A-4400 Exit doors.** (1) "Exit door" means any door in the licensed space that opens to the exterior of the home. Emergency exit doors are covered in WAC 170-296A-4500.

(2) The licensee must have a method on exit doors to alert the licensee or staff when an exit door is opened. The licensee may use a chime, bell, alarm, or other device as an alert method.

(3) An exit door that is not designated as an emergency exit door may be locked during operating hours. The door knob or handle must be of the type that can be opened from the inside without use of a key, tools, or special knowledge, and must automatically unlock when the door knob or handle is turned.

(4) At least one exit door must be of the pivoted or side-hinged swinging type. Other exit doors may be sliding glass doors.

[]

NEW SECTION

**WAC 170-296A-4425 Night latches, deadbolts and security chains.** When overnight care is provided, the licensee must have a department approved safety plan in place before using any of the following on an exit door that is not used as an emergency exit:

- (1) Night latches;
- (2) Deadbolts; or
- (3) Security chains.

□

#### NEW SECTION

**WAC 170-296A-4450 Interior door locks.** An interior door is any door that does not exit to the exterior of the home. Any interior door that locks must be able to be unlocked from either side. An unlocking device must be readily available for staff to unlock any interior door when a child is locked in.

□

#### NEW SECTION

**WAC 170-296A-4475 Emergency exit pathways.** The licensee must keep pathways to all emergency exits free from clutter and obstructions. Emergency exits and pathways to emergency exits are licensed space.

□

#### NEW SECTION

**WAC 170-296A-4500 Emergency exits--General.** (1) Each floor used for licensed child care space must have at least two emergency exits that open directly to the exterior of the home.

(a) The emergency exits on each floor must be remotely located from each other, at opposite ends of the building or as widely spaced as possible.

(b) One exit must be an emergency exit door as defined in WAC 170-296A-4525 and the other exit may be a door or an emergency window as defined in WAC 170-296A-4550.

(2) Every room used for child care, except bathrooms, must have:

(a) A door leading to two separate emergency exit pathways; or

(b) An emergency exit door leading directly to the exterior of the building.

See WAC 170-296A-4575 for additional requirements for rooms used for sleeping or napping.

(3) If child care is provided in a basement or floor level accessed by an interior stairway, the stairway must have a self closing door at the top or bottom.

(4) Any basement approved for licensed child care must have two means of emergency exit, which may be one of the following:

(a) Two emergency exit doors that exit directly to the exterior of the home without entering the first floor; or

(b) One of the two emergency exits is an emergency exit window or emergency exit door, and the other exit is an interior stairway that leads to an emergency exit.

□

NEW SECTION

**WAC 170-296A-4525 Emergency exit doors.** (1) An emergency exit door must open to the exterior of the home.

(2) Any door used as an emergency exit door must:

- (a) Remain unlocked during operating hours;
  - (b) Be designed to open from the inside without the use of keys, tools, or special knowledge and automatically unlocks when the door knob or handle is turned; and
  - (c) Be easy to open to the full open position.
- (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.

□

NEW SECTION

**WAC 170-296A-4550 Emergency exit windows.** (1) Any window used as an emergency exit window must:

(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.

(2) An emergency exit window must be at least five point seven square feet in area, except emergency exit windows on the ground floor may be five square feet in area. When open, the window opening must be at least:

(a) Twenty inches wide; and

(b) Twenty-four inches tall.

(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.

(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

(b) A deck, landing or platform constructed and inspected by local building officials as meeting current building codes.

□

NEW SECTION

**WAC 170-296A-4575 Emergency exits from sleeping/napping areas.** Each room used for sleeping or napping must have:

(1) Interior doors leading to two separate emergency exit pathways; or

(2) An emergency exit door leading directly to the exterior of the building; or

(3) An interior door leading to an emergency exit pathway and an emergency exit window exiting to the exterior of the building. The emergency exit window must meet the requirements stated in WAC 170-296A-4550(3).

□

#### NEW SECTION

**WAC 170-296A-4600 Commercial use areas--Fire wall.** (1) The licensed space must have a fire resistant wall separating the child care space from any space used as a commercial:

- (a) Kitchen;
- (b) Boiler;
- (c) Maintenance shop;
- (d) Laundry;
- (e) Woodworking shop;
- (f) Storage where flammable or combustible materials are stored;
- (g) Painting operation;
- (h) Automobile or boat building or repair;
- (i) Parking garage; or
- (j) Other similar commercial operation.

(2) Emergency exits pathways must not exit to or go through the commercial space.

□

#### NEW SECTION

**WAC 170-296A-4625 Bathrooms.** (1) The licensee must provide at least one indoor bathroom with:

- (a) A flush-type toilet;
- (b) Privacy for toileting for children of the opposite sex who are four years of age or older and for other children demonstrating a need for privacy;
- (c) A mounted toilet paper dispenser and toilet paper for each toilet; and
- (d) A toilet of an appropriate height and size for children, or have a platform for the children to use that is safe, easily cleanable and resistant to moisture.

(2) Bathroom and toileting areas must be ventilated by the use of a window that can be opened or an exhaust fan.

□

#### NEW SECTION

**WAC 170-296A-4650 Bathroom floors.** (1) Floors in a bathroom or toileting area must have a washable surface and be resistant to moisture. The floor must be cleaned and sanitized daily or more often if needed.

(a) If a bleach solution is used to sanitize, the solution must be one teaspoon of bleach to one gallon of cool water;

(b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions, including but not limited to quantity used, time the product

must be left in place, and adequate time to allow the product to dry.

(2) Removable rugs may be used in the bathroom. The rugs must be washed when soiled or at least weekly.

□

NEW SECTION

**WAC 170-296A-4675 Bathroom sinks.** A sink used for handwashing must be located in or next to bathrooms or other areas used for toileting. The sink must:

(1) Have warm running water; and

(2) Be of appropriate height and size for children, or have a platform for the children to use that is safe, easily cleanable and resistant to moisture.

□

NEW SECTION

**WAC 170-296A-4700 Water temperature.** Hot water must be kept at temperature not less than eighty degrees and not more than one hundred twenty degrees Fahrenheit.

□

NEW SECTION

**WAC 170-296A-4725 Guns and other weapons.** (1) The licensee must store guns, ammunition and other weapons inaccessible to children in a:

(a) Locked gun safe; or

(b) Locked room.

(2) If stored in a locked room, each gun must be stored unloaded and with a trigger lock or other disabling feature.

□

NEW SECTION

**WAC 170-296A-4750 Storage for each child's belongings.** The licensee must provide separate storage for each child's belongings. Belongings of children from the same family may be stored together.

□

**PETS**

NEW SECTION

**WAC 170-296A-4800 Pet policy.** A licensee who has a pet or pets must:

(1) Inform children's parents and guardians that the licensee has a pet; and

- (2) Have a pet policy in the parent handbook that includes:
  - (a) How children will have access to pets;
  - (b) How children will be kept safe around pets;
  - (c) Pet immunizations; and
  - (d) Handling of pet waste.

□

#### NEW SECTION

**WAC 170-296A-4850 Pet health and safety.** (1) Pets that have contact with children must:

- (a) Have current immunizations for communicable diseases;
  - (b) Show no signs of disease, worms or parasites; and
  - (c) Be nonaggressive.
- (2) Children and staff must wash their hands as required under WAC 170-296A-3625 after interacting with pets or handling pet toys or equipment.

□

#### NEW SECTION

**WAC 170-296A-4875 Pets interacting with children.** The licensee:

- (1) Must have a written plan to keep a pet inaccessible to the children if the pet is known to be dangerous or aggressive.
- (2) Must directly supervise, or instruct staff to directly supervise, children preschool age and younger when the children are interacting with pets.
- (3) Must make reptiles and amphibians inaccessible to the children due to the risk of Salmonella.

□

#### NEW SECTION

**WAC 170-296A-4900 Pet wastes.** The licensee must:

- (1) Keep litter boxes inaccessible to the children.
- (2) Have a designated area outside the fenced licensed outdoor space for pets to relieve themselves.
- (3) Remove feces right away if an animal relieves itself in the outdoor licensed space.
- (4) Pet feces, urine, blood, or vomit when found in the indoor licensed space must be cleaned up immediately and the area sanitized.

□

#### NEW SECTION

**WAC 170-296A-4925 Licensed outdoor space.** (1) The licensee must provide a safe outdoor play area on the premises.

(a) The outdoor play space must contain seventy-five square feet of usable space per child for the number of children stated on the license.

(b) If the premises does not have seventy-five square feet of available outdoor space per child, the licensee may provide an alternative plan, approved by the department, to meet the requirement for children to have daily outdoor play opportunities.

(2) The licensed outdoor play space must be securely enclosed with a fence of a minimum height of four feet. When a fence has slats, openings between the slats must be no wider than three and one-half inches.

(3) When the licensed outdoor play space is not adjacent to the home the licensee must:

(a) Identify and use a safe route to and from licensed outdoor space that is approved by the department; and

(b) Supervise the children at all times when passing between the licensed outdoor space and the home.

(4) The licensee must provide a written plan, approved by the department, to make roadways and other dangers adjacent to the licensed outdoor play space inaccessible to children.

[]

#### NEW SECTION

**WAC 170-296A-4950 Rails on platforms, decks, and stairs.** (1) Platforms or decks (not including play equipment) used at any time for child care activities with a drop zone of more than eighteen inches must have guardrails in any area where there are no steps.

(2) Outdoor stairs with four or more steps must have vertical slats (balusters) or a hand rail on at least one side. Openings between the slats must be no wider than three and one-half inches. This requirement does not apply to outdoor play equipment with stairs.

[]

#### NEW SECTION

**WAC 170-296A-4975 Outdoor supervision.** (1) The licensee or primary staff person must be within sight and hearing range when children preschool age or younger are using the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.

(2) The licensee or primary assistant must be within sight or hearing range of school age children when in the licensed outdoor space and be available and able to respond if the need arises for the safety of the children.

(3) The required staff-to-child ratio must be maintained when the children are in the licensed outdoor space, except as provided in subsection (4) of this section.

(4) A second staff person or assistant may engage in other child care activities temporarily as long as he or she is in sight or hearing range and is available and able to respond if the need arises for the safety of the children.

[]

NEW SECTION

**WAC 170-296A-5000 Play equipment.** (1) The licensee must have play equipment that is developmentally appropriate and maintained in a safe working condition. Unsafe equipment must be repaired immediately or must be made inaccessible to children until repairs are made.

(2) Play equipment must be arranged so that it does not interfere with other play equipment when in use.

(3) The licensee must install or assemble play equipment according to manufacturer specifications, and keep specifications on file for review by the licensor.

[]

NEW SECTION

**WAC 170-296A-5025 Outdoor physical activities.** The licensee must have an outdoor play area that promotes a variety of age and developmentally appropriate physical activities for the children in care.

[]

NEW SECTION

**WAC 170-296A-5050 Bouncing equipment prohibited.** The licensee must not use or allow the use of bouncing equipment including, but not limited to, trampolines, rebounders and inflatable equipment. This requirement does not apply to bounce balls with handles for use by individual children.

[]

NEW SECTION

**WAC 170-296A-5075 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 play 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.

(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.

(4) The fall zone area must extend at least six feet beyond the perimeter of the equipment. For swings, the area must extend six feet from the furthest arc of the swing.

(5) Swings must be positioned so that the furthest arc of the swing is at least ten feet from a fence, building or other play equipment.

[]

NEW SECTION

**WAC 170-296A-5125 Daily outdoor activity.** The licensee or staff must provide outdoor activities at least thirty minutes each day unless conditions pose a health and safety risk to the children. Conditions that may pose a health and safety risk include, but are not limited to:

- (1) Heat in excess of one hundred degrees Fahrenheit;
- (2) Cold less than twenty degrees Fahrenheit;
- (3) Lightning storm, tornado, hurricane, or flooding, if there is immediate or likely danger to the children;
- (4) Earthquake;
- (5) Air quality emergency ordered by a local or state air quality authority or public health authority;
- (6) Lockdown order by a public safety authority; or
- (7) Other similar incidents.

[]

NEW SECTION

**WAC 170-296A-5150 Water activity--Supervision.** (1) Unless attending a swimming or water play activity, when outside the licensed premises the licensee must keep children from having access to bodies of water that pose a drowning hazard.

(2) When the licensee takes children near a body of water outside the licensed premises that is accessible and more than four inches deep, there must be:

- (a) A certified lifeguard on duty; or
- (b)(i) One additional staff member more than the required staff-to-child ratio as provided in WAC 170-296A-5700 to help with the children; and
- (ii) At least one staff person in attendance must be able to swim.

[]

NEW SECTION

**WAC 170-296A-5175 Wading pools--Defined--Supervision.** (1) A wading pool:

(a) Is an enclosed pool with water depth of two feet or less measured without children in the pool; and

(b) Can be emptied and moved.

(2) When a wading pool on the premises is intended for use by the children, the licensee must:

- (a) Directly supervise or have a primary staff person directly supervise the children;
- (b) Obtain written permission from each child's parent or guardian to allow the child to use a wading pool;
- (c) Maintain staff-to-child ratios when children are in a wading pool;
- (d) Keep infants or toddlers in the wading pool within reach of the licensee or staff;
- (e) Use a door alarm or bell to warn staff that children are entering the outdoor area when pool water could be accessed, or keep the wading pool empty when not in use; and
- (f) Empty, clean and sanitize the pool daily or immediately if the pool is soiled with

urine, feces, vomit, or blood:

- (i) If a bleach solution is used to sanitize, the solution must be one teaspoon of bleach to one gallon of cool water;
- (ii) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

□

#### NEW SECTION

**WAC 170-296A-5200 Swimming pools defined--Barriers and supervision.** (1) A swimming pool is a pool that has a water depth greater than two feet.

- (2) When there is a swimming pool on the premises the licensee must:
  - (a) Have a five-foot high fence that blocks access to the swimming pool;
  - (b) Lock the entrance and exit points to the swimming pool;
  - (c) Have an unlocking device that is inaccessible to children but readily available to the licensee or staff;
  - (d) Maintain the swimming pool according to manufacturer's specifications; and
  - (e) Clean and sanitize the swimming pool using the manufacturer's specifications.
- (3) When the swimming pool on the premises is used by the children the licensee must:
  - (a) Obtain written permission from each child's parent or guardian to allow the child to use the swimming pool;
  - (b) Have one person present at the swimming pool with lifeguard training;
  - (c) Provide a one-to-one staff-to-child ratio for infants or toddlers in the swimming pool. Staff must hold or be in constant touch contact with infants or toddlers in the swimming pool; and
  - (d) Provide one additional staff person more than the required staff-to-child ratio as provided in WAC 170-296A-5700 to help supervise children other than infants or toddlers.

□

#### NEW SECTION

**WAC 170-296A-5225 Bodies of water or water hazards on the licensed premises.** (1)(a) As used in WAC 170-296A-5150 through 170-296A-5250, a "body of water" is a natural area or man-made area or device that contains or holds more than two inches of water.

- (b) "Body of water" does not include a wading pool as defined in WAC 170-296A-5175, a water activity table, small bird baths or rain puddles with a water depth of two inches or less.
- (2) When children are in care the licensee must:
  - (a) Make any body of water in the licensed space inaccessible with a fence or a physical barrier that is at least five feet tall, except as provided in subsection (c) of this section;
  - (b) Directly supervise or have a primary staff person directly supervise children, with the staff-to-child ratios observed, whenever children play in any area with a body of water;
  - (c) Make hot tubs, spas, or jet tubs inaccessible with a tub cover that is locked; and
  - (d) Not use five gallon buckets or similar containers for infant or toddler water play.

□

NEW SECTION

**WAC 170-296A-5250 Safety plan for bodies of water outside and near licensed space.** The licensee must make the following bodies of water inaccessible to children in care, and have a written safety plan approved by the department for:

- (1) Bodies of water, including ditches, located outside and near (in close proximity to) the licensed space, regardless of whether the body of water is on or off the premises; or
- (2) Any uncovered well, septic tank, below grade storage tank; farm manure pond or similar hazards that are on the premises.

□

**SUPERVISION, CAPACITY AND RATIO**NEW SECTION

**WAC 170-296A-5400 Infant-toddler only license (birth to two years old).** (Reserved.) The department plans to consider specialized licenses for specific age groups at a later date.

□

NEW SECTION

**WAC 170-296A-5450 Two through five year old only license.** (Reserved.) The department plans to consider specialized licenses for specific age groups at a later date.

□

NEW SECTION

**WAC 170-296A-5500 School age only license (over five years through twelve years).** (Reserved.) The department plans to consider specialized licenses for specific age groups at a later date.

□

NEW SECTION

**WAC 170-296A-5550 Birth through twelve years license.** (1) The department issues a full license for the licensee to care for not more than twelve children birth through twelve years of age.

(2) The department may issue a full licensee for fewer than twelve children if the total square footage of licensed indoor or outdoor space is less than the minimum square footage required to care for twelve children.

(3) If the licensee has less than one year of child care experience, the department may

issue an initial license limited to:

- (a) Caring for not more than six children; or
- (b) Caring for children older than eighteen months of age and walking independently.

(4) See the table in WAC 170-296A-5700 for the number and ages of children a licensee may care for and the staff-to-child ratios required based on the licensee's experience and staffing levels.

□

NEW SECTION

**WAC 170-296A-5600 Staff-to-child ratio.** (1) The licensee must provide qualified staff to fulfill the staffing requirements and ratios described in WAC 170-296A-5700 at all times during all operating hours, including off-site trips or when transporting children in care.

(2) The licensee must provide additional staff as described in WAC 170-296A-5150, 170-296A-5175, or 170-296A-5225 when children are participating in water activities or near water.

□

NEW SECTION

**WAC 170-296A-5625 Capacity.** The licensee must not exceed the total number or ages of children in care (capacity) stated on the child care license.

□

NEW SECTION

**WAC 170-296A-5650 Children counted in ratio and capacity.** (1) Children enrolled in the child care program count in ratio through twelve years of age.

(2) All children through twelve years of age in attendance on the premises or being transported by the licensee or staff are counted in the total number of children in the licensee's care.

(3) Any child within the age range on the license count in ratio, including licensee's own children, staff's own children or visiting children who are not accompanied by an adult.

(4) The licensee must receive department approval to care for a child with special needs as documented in WAC 170-296A-6725 if the child is older than the maximum age identified on the license. A child with documented special needs may be in care up to age nineteen and must be counted in ratio.

(5) If an individual child with special needs requires individualized supervision, a staff member providing individualized supervision for that child does not count in the staff-to-child ratio for the other children in care.

□

NEW SECTION

**WAC 170-296A-5700 Capacity and ratio table--Birth through twelve year license.**

The table in this section describes the required staff-to-child ratio, age composition of children in care, and maximum licensed capacity permitted in a licensed family home child care depending on the:

- (1) Licensee's years of experience;
- (2) Number and qualifications of staff providing care;
- (3) Capacity and ratio table:

Staff	Licensee Minimum Experience and Requirements	Staff-Child Ratio	Age Range	Maximum Number of Children by Age Group:	Maximum Capacity
(a) Licensee working alone	Less than one year of experience	1:6	Birth through 12 years of age	Under 18 months of age 2	6  Maximum of 2 children under the age of two not walking independently
				or Under two years of age (One must be walking independently) 3	
(b) Licensee working alone	At least one year of experience	1:8	18 months through 12 years of age	18 months to 2 years (Must be walking independently) 2	8
				or Under three years of age (Not more than two under two years of age and must be walking independently) 4	
(c) Licensee working alone	At least two years of experience and 30 hours of ongoing early childhood education equivalent STARS training	1:10	Three years through 12 years of age	Not Applicable	10
(d) Licensee working with primary staff or assistant (2 staff total)	Licensee has at least one year of experience	2:9	Birth through 12 years of age	Under 18 months of age 2	9
				and 18 months to two years of age and walking independently 1	
				and Two years to three years of age 4	

(e)	Licensee working with primary staff or assistant (2 staff total)	Licensee has two or more years child care experience and 30 hours of ongoing early childhood education equivalent STARS training	2:12	Birth through 12 years of age	Under 18 months of age	12
					4 and	
					18 months to two years of age and walking independently	
					2 and	
					Two years to three years of age	
					4	
(f)	Licensee working with primary staff or assistant (2 staff total)	Licensee has two or more years child care experience and 30 hours of ongoing early childhood education equivalent STARS training	2:12	Two years of age through 12 years of age	Not Applicable	12

(4) As used in this section, "walking independently" means being able to stand and move about easily without the aid or assistance of or holding on to an object, wall, equipment or other person.

□

**LICENSEE RESPONSIBILITIES**

NEW SECTION

**WAC 170-296A-5750 Supervising staff.** When the licensee or primary staff are supervising staff, they must be:

- (1) Aware of what staff are doing; and
- (2) Available and able to promptly assist to protect the health and safety of children in care.

□

NEW SECTION

**WAC 170-296A-5775 Licensee absence.** (1) The licensee must have a written policy and procedure for staff to follow any time the licensee is absent from the child care. The policy and procedure must include, but is not limited to:

- (a) A staffing plan to include:
  - (i) That qualified primary staff will be present and in charge at all times during the licensee's absence;
  - (ii) Staff roles and responsibilities;
  - (iii) How staff-to-child ratios will be met; and

- (iv) How staff will meet the individual needs of children in care;
- (b) How parents will be notified in writing of the licensee's absence;
- (c) Responsibility for meeting the requirements of this chapter and chapter 43.215 RCW;
- (d) Emergency contact information for the licensee; and
- (e) Licensee's expected outside work schedule if applicable.

(2) The department must approve the licensee's plan. The department may require modifications to the proposed plan if it does not meet licensing requirements.

(3) Prior to engaging in employment or ongoing activities outside of the child care home during child care hours the licensee must inform the department in writing.

□

#### NEW SECTION

**WAC 170-296A-5800 Orientation for staff.** The licensee must provide an orientation to all staff on licensing standards in this chapter, including the licensee's policies and procedures, and document when the training occurred and identify staff that received the training.

□

#### NEW SECTION

**WAC 170-296A-5825 Licensee absence--Retraining for staff if standards are violated.** If the department issues a facility license compliance agreement as a result of staff not following the licensing standards of this chapter in the licensee's absence, the licensee must:

- (1) Retrain the staff on the licensing standards in this chapter; and
- (2) Document that the retraining occurred.

□

#### NEW SECTION

**WAC 170-296A-5850 Licensee notice of absences.** (1) The licensee must notify the department forty-eight hours prior to the following absences during child care hours:

- (a) Outside employment;
- (b) Vacation or absence exceeding seven consecutive days when the child care will remain open; or
- (c) Regularly scheduled absences during child care hours.

(2) The licensee must inform the department of the following regarding the licensee's absence:

- (a) Time period of the absence;
- (b) Written plan including who will be left in charge of the child care;
- (c) Contact information for licensee; and
- (d) How parents will be informed prior to the absence.

□

NEW SECTION

**WAC 170-296A-5875 Notifying parents of closures, absences, staff changes.** The licensee must notify parents in writing of:

- (1) Closures;
- (2) Licensee's potential absences; and
- (3) Staffing changes.

□

NEW SECTION

**WAC 170-296A-5900 Notifying the licensor regarding the licensee's absence.** The licensee or another person must notify the licensor:

- (1) Of the licensee's emergency absence, as soon as possible and not later than twenty-four hours after the start of the emergency absence; or
- (2) When the licensee's physical or mental health prevents the licensee from providing direct care as required by this chapter.

□

**NURTURE AND GUIDANCE**NEW SECTION

**WAC 170-296A-6000 Interactions with children.** The licensee and staff members must:

- (1) Demonstrate positive interactions when children are present;
- (2) Interact with children through listening and responding to what the children have to say;
- (3) Be in frequent verbal communication with children in a positive, reinforcing, cheerful and soothing way. Explain actions, even to very young babies;
- (4) Treat each child with consideration and respect;
- (5) Appropriately hold, touch and smile at children;
- (6) Speak to the children at their eye level when possible and appropriate;
- (7) Be responsive to children, encouraging them to share experiences, ideas and feelings;
- (8) Respond to and investigate cries or other signs of distress immediately;
- (9) Perform age or developmentally appropriate nurturing activities that:
  - (a) Take into consideration the parent's own nurturing practices;
  - (b) Promote each child's learning self-help and social skills; and
  - (c) Stimulate the child's development.
- (10) Provide each child opportunities for vocal expression. Adult voices must not always dominate the overall sound of the group.

□

NEW SECTION

**WAC 170-296A-6025 Prohibited interactions.** In the presence of the children in care the licensee and staff must not:

- (1) Use profanity, obscene language, "put downs," or cultural or racial slurs;
- (2) Have angry or hostile interactions;
- (3) Use name calling or make derogatory, shaming or humiliating remarks; or
- (4) Use or threaten to use any form of physical harm or inappropriate discipline, such as,

but not limited to:

- (a) Spanking children;
- (b) Biting, jerking, kicking, hitting, or shaking;
- (c) Pulling hair;
- (d) Pushing, shoving or throwing a child; or
- (e) Inflicting pain or humiliation as a punishment.

[]

NEW SECTION

**WAC 170-296A-6050 Guidance and discipline.** The licensee and staff must use consistent, fair and positive guidance and discipline methods. These methods must be appropriate to the child's developmental level, abilities, culture and are related to the child's behavior.

(1) Only the licensee or primary staff person trained in the licensee's expected standards may discipline a child in care.

- (2) The licensee is responsible for developing a written policy including:
- (a) Setting standards for guidance and discipline;
  - (b) Communicating to parents, guardians, and children in care what the policy is;
  - (c) Training staff and volunteers in the standards of guidance and discipline policy; and
  - (d) Any disciplinary actions by the licensee or staff that occur during child care hours.

[]

NEW SECTION

**WAC 170-296A-6075 Positive options for discipline.** The licensee and staff must use positive guidance methods. The guidance methods may include any of the following:

- (1) Distracting;
- (2) Redirecting;
- (3) Planning ahead to prevent problems;
- (4) Encouraging appropriate behavior;
- (5) Explaining consistent, clear rules;
- (6) Allowing children to be involved in solving problems; and
- (7) Explaining to the child the reasonable and age appropriate natural and logical consequences related to the child's behaviors.

[]

NEW SECTION

**WAC 170-296A-6100 Separating a child from the group.** (1) The licensee or staff may separate a child three years or older from other children as a form of discipline only long enough to allow the child to regain control of him or her self. The child must remain under the direct supervision of the licensee or primary staff person.

(2) The licensee or primary staff must:

(a) Take into account the child's developmental level and ability to understand the consequences of his or her actions;

(b) Communicate to the child the reason for being separated from the other children;

(c) Not discipline any child by separating the child from the group and placing him or her in a closet, a bathroom, a locked room, outside or in unlicensed space; or

(d) Not use high chairs, car seats and other confining space or equipment for the purpose of punishment or restricting a child's movements.

[]

NEW SECTION

**WAC 170-296A-6125 Preventing harmful or aggressive acts.** The licensee and staff must:

(1) Take steps to protect children from the harmful acts of other children; and

(2) Immediately intervene when a child becomes physically aggressive.

[]

NEW SECTION

**WAC 170-296A-6150 Prohibited actions.** The licensee, staff or a household member must not:

(1) Restrict a child's breathing;

(2) Deprive a child of:

(a) Sleep, food, clothing or shelter;

(b) Needed first aid; or

(c) Required or emergency medical or dental care;

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

(4) Withhold hygiene care, toileting care or diaper changing to any child unable to provide such care for him or herself.

[]

NEW SECTION

**WAC 170-296A-6175 Using alternate methods before using physical restraint.** (1) The licensee must train primary staff on alternate methods to use before using physical restraint.

(2) Before using physical restraint, the licensee and staff must first use other methods

described in WAC 170-296A-6075 to redirect or de-escalate a situation.

[]

#### NEW SECTION

**WAC 170-296A-6200 Physical restraint--Prohibited uses or methods.** The licensee, staff, or household members must not use:

(1) Physical restraint as a form of punishment or discipline;  
(2) Mechanical restraints including, but not limited to, handcuffs and belt restraints;  
(3) Locked time-out or isolation space;  
(4) Bonds, ties, tape, or straps to restrain a child; or  
(5) Physical restraint techniques that restrict breathing or inflict pain. These include, but are not limited to:

(a) Restriction of body movement by placing pressure on joints, chest, heart, or vital organs;  
(b) Sleeper holds, which are holds used by law enforcement officers to subdue a person;  
(c) Arm twisting;  
(d) Hair holds;  
(e) Choking or putting arms around the throat; or  
(f) Chemical restraint such as mace or pepper spray.

[]

#### NEW SECTION

**WAC 170-296A-6225 Physical restraint--holding method allowed.** When a child's behavior makes it necessary for his or her own or other's protection, the licensee or primary staff may restrain the child, by holding the child as gently as possible. A child must not be physically restrained longer than necessary to control the situation.

[]

#### NEW SECTION

**WAC 170-296A-6250 Notice and documenting use of physical restraint.** If physical restraint is used the licensee must:

(1) Report use of physical restraint to the child's parent or guardian and the department as required under WAC 170-296A-2250;  
(2) Assess any incident of physical restraint to determine if the decision to use physical restraint and its application were appropriate;  
(3) Document the incident in the child's file; and  
(4) Develop a safety plan with the licenser if required by the department.

[]

NEW SECTION

**WAC 170-296A-6275 Abuse and neglect--Protection and training.** (1) The licensee and staff must:

- (a) Protect children in child care from all forms of child abuse or neglect as defined in RCW 26.44.020; and
  - (b) Report suspected or actual abuse or neglect as required under RCW 26.44.030 to DSHS children's administration intake (child protective services) or law enforcement.
- (2) The licensee must provide training for staff, volunteers and household members on:
- (a) Prevention of child abuse and neglect as defined in RCW 26.44.020; and
  - (b) Mandatory reporting requirements under RCW 26.44.030.

□

**PROGRAM**

NEW SECTION

**WAC 170-296A-6400 Off-site activities--Parent or guardian permission.** The licensee must:

- (1) Have written permission from the parent or guardian prior to the child engaging in off-site activities. The written permission must be kept in the child's file.
- (2) Have a separate permission for activities that occur less often than once per calendar month.
- (3) Inform parents of planned off-site activities at least twenty-four hours before the activity.

□

NEW SECTION

**WAC 170-296A-6425 Off-site activity supervision.** When on an off-site activity, the licensee and staff responsible for the care of the children must at all times provide supervision, and be able to promptly assist or redirect the children's activities.

□

NEW SECTION

**WAC 170-296A-6450 Off-site activity--Emergency information and supplies.** When on an off-site activity, the licensee must have available:

- (1) An emergency consent form for each child that includes:
  - (a) Emergency contact information;
  - (b) Permission to obtain medical treatment for the child in the event of a medical emergency;
  - (c) A list of the child's allergies, if applicable; and

- (d) Permission to administer medications, if applicable.
- (2) A working cellular phone or other telecommunication device, and inform parents how to contact the licensee or staff; and
- (3) Emergency supplies, including:
  - (a) A first aid kit; and
  - (b) Each child's required medication or emergency medicine, if applicable.

□

NEW SECTION

**WAC 170-296A-6475 Transportation.** When transporting children the licensee, staff, and volunteers must:

- (1) Follow RCW 46.61.687 and other applicable law regarding child restraints and car seats;
- (2) Carry in the vehicle all items required under WAC 170-296A-6450 and a current copy of each child's completed enrollment form;
- (3) Maintain the vehicle in safe operating condition;
- (4) Have a valid driver's license;
- (5) Have a current insurance policy that covers the driver, the vehicle, and all occupants;
- (6) Take attendance each time children are getting in or getting out of the vehicle;
- (7) Never leave children unattended in the vehicle; and
- (8) Maintain required staff-to-child ratio and capacity.

□

NEW SECTION

**WAC 170-296A-6500 Using public transportation.** The licensee may transport children using public transportation, provided that children are supervised at all times and required staff-to-child ratios are maintained. The licensee or staff must not allow or send children on public transportation unsupervised.

□

NEW SECTION

**WAC 170-296A-6525 Transporting children--Limited periods.** The licensee must not transport children for periods of more than two hours per day on a regular and ongoing basis.

□

NEW SECTION

**WAC 170-296A-6550 Developmental activities.** (1) The licensee must have and post a typical daily schedule that includes program activities.

- (2) The typical daily schedule must include:
  - (a) Hours of operation;

- (b) Types of activities, including screen time;
  - (c) General timelines for activities;
  - (d) Routine transportation times;
  - (e) Meal service;
  - (f) Rest periods;
  - (g) Outdoor times; and
  - (h) If applicable, overnight care.
- (3) Evidence of daily activities may be shared or demonstrated through:
- (a) Display;
  - (b) Writing; or
  - (c) A checklist.

[]

#### NEW SECTION

**WAC 170-296A-6575 Activities to promote child growth and development.** The licensee must provide activities that support each child's growth and development including:

- (1) Social, emotional and self development;
- (2) Positive self concepts;
- (3) Language and literacy;
- (4) Physical development, including daily opportunities to develop the child's small and large muscles;
- (5) Spatial concepts (for example: size, position); and
- (6) Numeracy (counting and numbers).

[]

#### NEW SECTION

**WAC 170-296A-6600 Toys and play materials.** The licensee must provide toys, objects, and other play materials that are:

- (1) Washable and clean;
- (2) Nonpoisonous; and
- (3) Large enough to avoid swallowing or choking for infants and toddlers, or children at those developmental levels.

[]

#### NEW SECTION

**WAC 170-296A-6625 Art materials.** (1) All art materials used by children under the age of three must be labeled nontoxic.

(2) Art materials without a nontoxic designation may be used by children age three years or older, and must be used under direct supervision and according to the manufacturer's label.

[]

NEW SECTION

**WAC 170-296A-6650 Screen time.** If the licensee or staff provide screen time for children in care, the screen time must:

- (1) Be developmentally and age appropriate;
- (2) Have child-appropriate content; and
- (3) Not have violent or adult content.

□

NEW SECTION

**WAC 170-296A-6675 Screen time--Limitations.** The licensee or staff must:

- (1) Limit screen time for any child to less than two hours per day;
- (2) Not require children to participate in screen time;
- (3) Provide alternative activities to screen time; and
- (4) Place children at least three feet from a television screen.

□

NEW SECTION

**WAC 170-296A-6700 Limiting screen time for children under two.** The licensee must minimize exposure to screen time for any child under the age of two by:

- (1) Providing alternative activities for the child;
- (2) Moving the child away from direct view of the screen; and
- (3) Positioning the child so the child is not able to view the screen.

□

NEW SECTION

**WAC 170-296A-6725 Special needs accommodations.** The provisions of this section apply to any requirement in this chapter.

(1) The department may approve accommodations to requirements in these rules for the special needs of an individual child when:

(a) The licensee submits to the department a written plan, signed by the parent or guardian, that describes how the child's needs will be met in the licensed child care; and

(b) The licensee has supporting documentation of the child's special needs provided by a licensed or certified:

- (i) Physician or physician's assistant;
- (ii) Mental health professional;
- (iii) Education professional;

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

- (v) Registered nurse or advanced registered nurse practitioner.
- (2) The documentation described in subsection (2) of this section must be in the form of an:
  - (a) Individual education plan (IEP);
  - (b) Individual health plan (IHP); or
  - (c) Individual family plan (IFP).
- (3) The licensee's written plan and all documentation required under this section must be kept in the child's file and a copy submitted to the department.
- (4) See WAC 170-296A-5650 regarding supervision, capacity, and staff-to-child ratios for children with documented special needs.

□

#### NEW SECTION

**WAC 170-296A-6775 Diversity.** The licensee must:

- (1) Provide an environment that reflects each child's daily life, family culture and language.
- (2) Describe or demonstrate to the licenser, or have a written plan for how:
  - (a) The licensee will discuss with parents how the child care reflects that child's daily life and family's culture or language; and
  - (b) The child care environment reflects the diversity in society.

□

#### NEW SECTION

**WAC 170-296A-6800 Rest periods.** (1) The licensee must offer a daily supervised rest period for children.

- (2) The supervised rest period must be:
  - (a) Offered to all children five years of age and younger who remain in care more than six hours;
  - (b) Offered to any child who shows a need for rest; and
  - (c) A minimum of thirty minutes but not more than two hours, unless the child is under twenty-four months old.
- (3) The licensee must:
  - (a) Not force a child to sleep;
  - (b) Provide quiet activities for the children who do not require rest. These activities must be offered with a minimum of disruption to sleeping children; and
  - (c) Communicate with the parent or guardian about the child's sleep needs and patterns.
- (4) See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.

□

NEW SECTION

**WAC 170-296A-6850 Overnight care.** If the licensee provides overnight child care:

- (1) The licensee or primary staff person must be awake until all children in care are asleep;
- (2) The licensee or a primary staff person must be on the same level of the home as the children in care;
- (3) The licensee or primary staff person must maintain required staff-to-child ratios; and
- (4) The daily schedule under WAC 170-296A-6550 must include evening or overnight care.

See WAC 170-296A-3725 through 170-296A-3825 regarding sleeping equipment and bedding requirements.

See WAC 170-296A-4400 and 170-296A-4425 regarding door alarms, night latches, deadbolts, and security chains.

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## INFANT CARE

NEW SECTION

**WAC 170-296A-7000 Wheeled baby walkers prohibited.** The licensee must not use or allow the use of wheeled baby walkers in the child care during operating hours.

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NEW SECTION

**WAC 170-296A-7025 Infant "tummy time" positioning.** When infants are awake, the licensee or staff must allow each infant tummy time daily. As used in this section, "tummy time" means placing the infant in a prone position, lying on his or her stomach.

[]

NEW SECTION

**WAC 170-296A-7050 Infant and toddler supervision.** (1) The licensee or a primary staff person must be within sight and hearing of infants and toddlers in the licensed indoor or outdoor space, or during any off-site activity when infants or toddlers in care are present.

(2) When infants or toddlers are indoors, the licensee or primary staff person must be within sight and hearing. The licensee or primary staff person may be in sight or hearing range for brief periods of time while the licensee or primary staff person attends to toileting, medical, or other personal needs on the premises.

(3) A baby monitor or video monitor must not be used in place of direct supervision of children.

[]

NEW SECTION**WAC 170-296A-7075 Infant sleeping or napping.** (1) The licensee must:

(a) Provide and use a single level crib, toddler bed, playpen or other sleeping equipment for each infant or toddler in care that is safe and not subject to tipping. The equipment must be of a design approved for infants or toddlers by the U.S. Consumer Product Safety Commission (see WAC 170-296A-3760 regarding approved cribs).

(b) Provide sleeping or napping equipment with clean, firm, and snug-fitting mattresses that do not have tears or holes or is repaired with tape.

(c) Provide mattresses covered with waterproof material that is easily cleaned and sanitized.

(i) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water.

(ii) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

(d) Arrange sleeping equipment to allow staff access to children;

(e) Remove sleeping children from car seats, swings or similar equipment; and

(f) Consult with a child's parent or guardian before the child is transitioned from infant sleeping equipment to other approved sleeping equipment.

(2) Children that may climb out of their sleeping equipment must be transitioned to an alternate sleeping surface.

(3) If a crib with vertical slats is used, the slats must be spaced not more than two and three-eighths inches apart.

[]

NEW SECTION

**WAC 170-296A-7100 Infant supervision--Procedures to reduce the risk of sudden infant death syndrome (SIDS).** To reduce the risk of sudden infant death syndrome (SIDS), the licensee or staff must:

(1) Place an infant to sleep on his or her back. If the infant has turned over while sleeping, the infant does not need to be returned to his or her back;

(2) Place an infant in sleeping equipment that has a snug-fitting mattress and a tight-fitting sheet;

(3) Not allow soft fluffy bedding, stuffed toys, pillows, crib bumpers and similar items in the infant sleeping equipment;

(4) Not cover an infant's head and face during sleep;

(5) Take steps so infants do not get too warm during sleep; and

(6) Place the infant in another sleeping position other than on their backs if required by a written directive or medical order from the infant's health care provider. This directive or medical order must be in the infant's file.

[]

NEW SECTION

**WAC 170-296A-7125 Infant bottles.** The licensee must:

- (1) If heating a bottle, heat the bottle in warm water that is not warmer than one hundred twenty degrees Fahrenheit;
- (2) Not use a microwave oven to warm the contents of a bottle;
- (3) Clean and sanitize bottles and nipples before each use;
- (4) Keep bottle nipples covered if bottles are prepared ahead, and label the bottle with the date it was prepared;
- (5) Not allow infants to share bottles or infant cups;
- (6) Have a method to identify the individual child's bottle or cup;
- (7) Keep the contents of a child's bottle inaccessible to other children; and
- (8) Throw away milk (except breast milk) or formula if it has been sitting at room temperature for more than one hour.

[]

NEW SECTION

**WAC 170-296A-7150 Breast milk.** When breast milk is provided for a child, the licensee must:

- (1) Label the contents with the child's name and date the milk was brought to the child care;
- (2) Store frozen breast milk at ten degrees Fahrenheit or less;
- (3) Thaw breast milk in the refrigerator, under warm running water, or in warm water that is not warmer than one hundred twenty degrees Fahrenheit;
- (4) Never thaw or heat breast milk<sup>8</sup> in a microwave oven or on the stove;
- (5) Keep frozen breast milk for no more than two weeks; and
- (6) Use frozen breast milk within twenty-four hours after thawing; and
- (7) Throw away breast milk if it has been sitting at room temperature for more than two hours.

[]

NEW SECTION

**WAC 170-296A-7175 Bottle feeding infants.** (1) When bottle feeding, the licensee or staff must:

- (a) Test the bottle contents before feeding, to avoid scalding or burning the infant's mouth;
  - (b) Hold infants when bottle feeding;
  - (c) Not prop bottles when feeding an infant; and
  - (d) Not give a bottle or cup to an infant who is lying down.
- (2) When an infant can hold his or her own bottle, the licensee or staff must:
- (a) Place the infant in a semi-reclining or upright position during bottle feeding; and

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<sup>8</sup> "Mild" will be corrected to "milk" in the final rule.

- (b) Be in the same room within visual range of the infant during feeding.
- (3) The licensee or staff must take the bottle from the infant when the child finishes feeding.

[]

#### NEW SECTION

**WAC 170-296A-7200 Feeding solid food to infants.** (1) The licensee must consult with and have approval from an infant's parent or guardian before introducing solid food to the infant.

- (2) When serving infants solid food the licensee or staff must:
  - (a) Sit the infant in a semi-reclining or upright position;
  - (b) Not allow infants to share the same dish or utensil;
  - (c) Stir and test for safe temperature after heating food and before serving;
  - (d) Throw away any uneaten food from the serving container;
  - (e) Serve solid food by utensil or let the child feed themselves; and
  - (f) Feed the infant on demand unless the parent or guardian gives written instructions for an alternative feeding schedule.

[]

#### NEW SECTION

**WAC 170-296A-7225 High chairs.** (1) If the licensee uses high chairs in the child care, each high chair must:

- (a) Have a base that is wider than the seat;
  - (b) Have a safety device that prevents the child from climbing or sliding down the chair;
  - (c) Be free of cracks and tears; and
  - (d) Have a washable surface.
- (2) When a child is seated in a high chair, the chair's safety device must be used to secure the child.
- (3) The licensee or staff must clean and sanitize high chairs after each use.
- (a) If a bleach solution is used to sanitize, the solution must be one-quarter teaspoon of bleach to one quart of cool water.
  - (b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

[]

#### NEW SECTION

**WAC 170-296A-7250 Diapering and toileting.** (1) The licensee must provide a diaper changing area that is separate from any area where food is stored, prepared or served.

- (2) The diaper changing area must:
  - (a) Have a sink with hot and cold running water close to the diaper changing area. The sink must not be used for food preparation and clean up;

(b) Have a sturdy, easily cleanable mat with a surface large enough to prevent the area underneath from being contaminated with bodily fluids; and

(c) Be cleaned and sanitized between each use:

(i) If a bleach solution is used to sanitize, the solution must be one tablespoon of bleach to one quart of cool water;

(ii) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

(3) A nonabsorbent, disposable covering that is discarded after each use may be used on the diaper changing mat.

[]

#### NEW SECTION

**WAC 170-296A-7275 Diaper disposal.** (1) The licensee must provide a container specifically for diaper disposal that is not used for other household trash. The diaper disposal container must:

(a) Have a tight cover;

(b) Be lined with a disposable plastic trash bag; and

(c) Be within arm's reach of the diaper changing area.

(2) If disposable diapers are used, the diaper disposal container must be emptied to the outside garbage can or container daily.

(3) If cloth diapers are used, the diapers must be:

(a) Kept in the diaper disposal container until picked up by the diaper service; or

(b) Placed in a securely closed plastic bag and sent home with the child daily.

[]

#### NEW SECTION

**WAC 170-296A-7300 Diaper changing.** (1) The licensee or staff must:

(a) Check diapers at least every two hours;

(b) Change the diaper when necessary, or whenever the child indicates discomfort;

(c) Attend to the child at all times when diapering a child;

(d) Not rinse soiled diapers; and

(e) Place soiled diapers directly into a diaper waste container.

(2) Diapers used must be:

(a) Disposable; or

(b) Cloth diapers supplied by a commercial diaper service; or

(c) Reusable cloth diapers supplied by the child's family.

(3) When cloth diapers are used a washable barrier must be used between the diaper and the child's clothes.

(4) The licensee or staff must wash their hands and the child's hands immediately after diapering a child.

[]

NEW SECTION

**WAC 170-296A-7350 Toilet training.** The licensee must discuss toilet training with the child's parent or guardian when a child is ready for training. The licensee or staff must use:

- (1) Positive reinforcement;
- (2) Culturally sensitive methods;
- (3) Developmentally appropriate methods; and
- (4) A routine developed in agreement with the parent or guardian.

□

NEW SECTION

**WAC 170-296A-7375 Potty chairs or modified toilet seats.** (1) When potty chairs are used, the licensee or staff must immediately after each use:

- (a) Empty the potty chair into the toilet; and
  - (b) Clean and sanitize the potty chair.
- (2) The floor under the potty chairs must be made of a material that is resistant to moisture.
- (3) When a modified toilet seat is used, it must be cleaned and sanitized daily or more often when soiled.
- (4)(a) If a bleach solution is used to sanitize, the solution must be one tablespoon of bleach to one quart of cool water;
- (b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

□

**FOOD SERVICE AND NUTRITION**NEW SECTION

**WAC 170-296A-7500 Food must meet USDA guidelines.** The licensee must provide meals and snack foods to children in care according to the March 2007 edition of the U.S. Department of Agriculture (USDA) - creditable food guide, child and adult care food program charts for the ages of children in the licensee's care. The food program charts are available on-line at <http://www.k12.wa.us/ChildNutrition/pubdocs/CreditableFoodsGuideMAR2007FINAL.pdf>.

□

NEW SECTION

**WAC 170-296A-7525 Parent or guardian-provided food.** (1) A parent or guardian may provide alternative food for their child if a written food plan is completed and signed by the parent or guardian and the licensee. This written food plan includes accommodations for:

- (a) The child's medical needs;
- (b) Special diets;
- (c) Religious or cultural preference; or
- (d) Family preference.

(2) The licensee must supplement the food provided by the parent or guardian with foods listed in the USDA creditable food guide foods if the food provided by the parent or guardian does not meet the nutritional needs of the child.

□

NEW SECTION

**WAC 170-296A-7550 Home canned foods.** The licensee must not serve home canned foods due to the risk of botulism poisoning.

□

NEW SECTION

**WAC 170-296A-7575 Drinking water.** The licensee must supply safe drinking water for the children in care. Drinking water must be served in a safe and sanitary manner and be available throughout the day. See WAC 170-296A-1400 for water testing requirements for a family home child care that receives its drinking water from a private well and water system.

□

NEW SECTION

**WAC 170-296A-7600 Serving milk.** The licensee must serve milk according to the ages of the children in care. The licensee is responsible to serve:

- (1) Breast milk or formula to children from birth to twelve months old, or until the parent or guardian is ready for their child to be served whole pasteurized milk.
- (2) Whole pasteurized milk to children from twelve months through twenty-four months old if the child is ready to be served whole milk.
- (3) Pasteurized milk or pasteurized milk product to children over twenty-four months old.

□

NEW SECTION

**WAC 170-296A-7625 Meal and snack schedule.** The licensee must offer meals and snacks to the children at intervals of at least two hours apart and no more than three hours unless the child is asleep.

□

NEW SECTION

- WAC 170-296A-7650 Serving foods.** (1) The licensee or staff may:
- (a) Serve each child individually; or
  - (b) Serve family style in serving containers that allow each child the opportunity to serve themselves.
- (2) The licensee or staff must:
- (a) Stir and test for safe temperature any heated food before serving;
  - (b) Closely supervise all children when eating;
  - (c) Not force or shame a child to eat or try any food;
  - (d) Not punish a child for refusing to try or eat foods;
  - (e) Serve meals in a safe and sanitary manner and be respectful of each child's cultural food practices; and
  - (f) Sit with children during meals when possible.

[]

NEW SECTION

- WAC 170-296A-7675 Food handler permits.** (1) New license applicants must obtain a current state food handler permit prior to being licensed.
- (2) By (one year after the effective date of this section) every licensee must obtain and maintain a current state food handler permit.
- (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.
- (4) The licensee must keep a copy of each individual's food handler permit on file.

[]

NEW SECTION

- WAC 170-296A-7680 Safe food handling.** (1) The licensee and staff must follow the safe food storage, preparation, cooking, holding proper temperature, and serving guidelines in the current edition of the food workers manual prepared by the state department of health.
- (2) The licensee and staff must:
- (a) Wash their hands prior to preparing food and after handling raw meats, poultry, or fish; and
  - (b) Not prepare food when ill with vomiting or diarrhea.

[]

NEW SECTION

- WAC 170-296A-7700 Washing dishes.** The licensee or staff must wash dishes thoroughly after each use by one of the following methods:
- (1) Automatic dishwasher; or

- (2) Handwashing method, by emersion in hot soapy water, rinse, sanitize and air dry:
- (a) If a bleach solution is used to sanitize, the solution must be one teaspoon of bleach to one gallon of cool water;
  - (b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

□

#### NEW SECTION

- WAC 170-296A-7725 Food containers and utensils.** (1) The licensee must not use or allow plastic containers to be used to cook or reheat food in a microwave oven, unless the container is certified by the manufacturer as made without the chemical bisphenol-A.
- (2) The licensee may use disposable serving containers, dishes and utensils that are sturdy, used only once and thrown away after use.
- (3) The licensee must keep sharp utensils and other utensils that may cause serious injury or a choking hazard inaccessible to children when the utensils are not in use.
- (4) The licensee must not serve food to infants or toddlers using polystyrene (styrofoam) cups, bowls and plates.

□

#### NEW SECTION

- WAC 170-296A-7750 Food preparation area.** (1) The licensee or staff must clean and sanitize food preparation and eating surfaces before and after use. The licensee's food preparation area must:
- (a) Have surfaces that are free of cracks and crevices; and
  - (b) Have a floor area made of a material that is resistant to moisture.
- (2) The licensee must not allow pets in the food preparation area while food is being prepared or served.
- (3) The licensee may use the kitchen for other child care activities provided there is continual supervision of the children.
- (4)(a) If a bleach solution is used to sanitize surfaces, the solution must be one teaspoon of bleach to one gallon of cool water;
- (b) If another sanitizer product is used, it must be used strictly according to manufacturer's label instructions including, but not limited to, quantity used, time the product must be left in place, and adequate time to allow the product to dry.

□

### **ENFORCEMENT OF LICENSING STANDARDS**

NEW SECTION

**WAC 170-296A-8000 Facility licensing compliance agreements.** At the department's discretion, when a licensee is in violation of this chapter or chapter 43.215 RCW, a facility licensing compliance agreement may be issued in lieu of the department taking enforcement action.

- (1) The facility licensing compliance agreement contains:
  - (a) A description of the violation and the rule or law that was violated;
  - (b) A statement from the licensee regarding proposed plan to comply with the rule or law;
  - (c) The date the violation must be corrected;
  - (d) Information regarding other licensing action that may be imposed if compliance does not occur by the required date; and
  - (e) Signature of the licensor and licensee.
- (2) The licensee must return a copy of the completed facility license compliance agreement to the department by the date indicated when corrective action has been completed.
- (3) The licensee may request a supervisory review regarding the violation of rules or laws identified on the facility license compliance agreement.
- (4) A facility license compliance agreement is not subject to appeal under chapter 170-03 WAC.

□

NEW SECTION

**WAC 170-296A-8010 Nonreferral status.** In addition to or in lieu of an enforcement action under this chapter, the department may place a family home child care on nonreferral status as provided in RCW 43.215.300(4).

□

NEW SECTION

**WAC 170-296A-8025 Time period for correcting a violation.** The length of time the licensee has to make the corrections depends on:

- (1) The seriousness of the violation;
- (2) The potential threat to the health, safety and well-being of the children in care; and
- (3) The number of times the licensee has violated rules in this chapter or requirements under chapter 43.215 RCW.

□

NEW SECTION

**WAC 170-296A-8050 Civil monetary penalties (fines).** A civil monetary penalty (fine) may be imposed when the licensee violates a rule in this chapter or a requirement in chapter 43.215 RCW.

- (1) A fine of seventy-five dollars per day may be imposed for each violation.

- (2) The fine may be assessed and collected with interest for each day a violation occurs.
- (3) A fine may be imposed in addition to other action taken against the license including probation, suspension, revocation or denial of a license renewal.
- (4) At the department's discretion, the fine may be withdrawn or reduced if the licensee comes into compliance during the notification period in WAC 170-296A-8075.
- (5) When a fine is assessed the licensee has the right to a hearing under chapter 170-03 WAC. The fine notice will include information about the licensee's hearing rights and how to request a hearing.

□

NEW SECTION

**WAC 170-296A-8060 When fines are levied.** The department may base a fine for violation of a rule under this chapter or a requirement in chapter 43.215 RCW, according to whether the licensee:

- (1) Has allowed the existence of any condition that creates a serious safety and health risk;
- (2) Or any staff person or household member uses corporal punishment or humiliating methods of control or discipline;
- (3) Or any staff person fails to provide the required supervision;
- (4) Fails to provide required light, ventilation, sanitation, food, water, or heating;
- (5) Provides care for more than the highest number of children permitted by the license;

or

- (6) Repeatedly fails to follow the rules in this chapter or the requirements in chapter 43.215 RCW. As used in this section, "repeatedly" means a violation that has been the subject of a facility license compliance agreement that occurs more than once in a twelve-month time period.

□

NEW SECTION

**WAC 170-296A-8075 Fines--Payment period.** A fine must be paid within twenty-eight calendar days after the licensee receives the notice unless:

- (1) The department approves a payment plan if requested by the licensee; or
- (2) The licensee requests a hearing as provided in RCW 43.215.307(3).

□

NEW SECTION

**WAC 170-296A-8100 Notice of fine--Posting.** The licensee must post the department letter notifying the licensee of a final notice of a civil penalty:

- (1) Immediately upon receipt;
- (2) In the licensed space where it is clearly visible to parents and guardians; and
- (3) For two weeks or until the violation causing the fine is corrected, whichever is longer.

□

NEW SECTION

**WAC 170-296A-8125 Failure to pay a fine--Department action.** If the licensee fails to pay a fine within twenty-eight calendar days after the fine assessment becomes final the department may suspend, revoke or not renew the license.

□

NEW SECTION

**WAC 170-296A-8150 Denial, suspension, revocation or modification of a license.** A license may be denied, suspended, modified or revoked when the licensee fails to comply with the requirements in this chapter or any provisions of chapter 43.215 RCW.

□

NEW SECTION

**WAC 170-296A-8175 Violations that will result in enforcement action.** The department will deny, suspend or revoke a license when:

- (1) The licensee is unable to provide the required care for the children in a way that promotes their health, safety and well-being;
- (2) The licensee is disqualified under chapter 170-06 WAC (DEL background check rules);
- (3) The licensee or household member has been found to have committed child abuse or child neglect;
- (4) The licensee has been found to allow staff or household members to commit child abuse or child neglect; or
- (5) The licensee has a current charge or conviction for a disqualifying crime under WAC 170-06-0120.

□

NEW SECTION

**WAC 170-296A-8200 Violations or conditions that may result in enforcement action.** The department may deny, suspend or revoke a license when:

- (1) There is an allegation of child abuse or neglect against the licensee, staff, or household member;
- (2) The licensee fails to report to DSHS children's administration intake or law enforcement any instances of alleged child abuse or child neglect;
- (3) The licensee tries to obtain or keep a license by deceitful means, such as making false statements or leaving out important information on the application;
- (4) The licensee commits, permits or assists in an illegal act at the child care premises;
- (5) The licensee uses illegal drugs, alcohol in excess, or abuses prescription drugs;
- (6) The licensee knowingly allowed a staff or household member to make false

statements on employment or background check application related to their suitability or competence to provide care;

- (7) The licensee fails to provide the required level of supervision for the children in care;
- (8) The licensee cares for more children than the maximum number stated on the license;
- (9) The licensee refuses to allow department authorized staff access during child care operating hours to:
  - (a) Requested information;
  - (b) The licensed space;
  - (c) Child, staff, or program files; or
  - (d) Staff and children in care.
- (10) The licensee is unable to manage the property, fiscal responsibilities or staff in the facility;
- (11) The licensee cares for children outside the ages stated on the license;
- (12) A staff person or a household member residing in the licensed home is disqualified under chapter 170-06 WAC (DEL background check rules);
- (13) The licensee, staff person, or household member residing in the licensed home has a current charge or conviction for a crime described in WAC 170-06-0120;
- (14) A household member residing in the licensed home had a license to care for children or vulnerable adults denied or revoked;
- (15) The licensee does not provide the required number of qualified staff to care for the children in attendance; or
- (16) The department is in receipt of information that the licensee has failed to comply with any requirement described in WAC 170-296A-1420.

□

#### NEW SECTION

**WAC 170-296A-8225 Notice of license denial, suspension, revocation, or modification.** (1) The department notifies the licensee of the denial, suspension, revocation, or modification of the license by sending a certified letter or by personal service.

(2) The letter contains information on what the licensee may do if the licensee disagrees with the decision to deny, suspend, revoke, or modify the license.

(3) The licensee has a right to appeal the denial, suspension, revocation or modification of the license. The department notice will include information on hearing rights and how to request a hearing.

□

#### NEW SECTION

**WAC 170-296A-8250 Probationary license.** A probationary license as provided in RCW 43.215.290 may be issued as part of a corrective action plan.

□

NEW SECTION

**WAC 170-296A-8275 Probationary license--Cause.** A department decision to issue a probationary license must be based on the following:

- (1) Negligent or intentional noncompliance with the licensing rules;
- (2) A history of noncompliance with the licensing rules;
- (3) Current noncompliance with the licensing rules; or
- (4) Any other factors relevant to the specific situation.

□

NEW SECTION

**WAC 170-296A-8300 Issuing a probationary license.** When the department issues a probationary license, the licensee must:

- (1) Provide the parents and guardians of enrolled children notice of the probationary license in a department approved format within five working days of the licensee receiving the probationary license;
- (2) Provide documentation to the department that parents or guardians of enrolled children have been notified;
- (3) Inform new parent or guardians of the probationary status before enrolling new children;
- (4) Post documentation of the approved written probationary license as required by RCW 43.215.525; and
- (5) Return the licensee's full license to the department.

□

NEW SECTION

**WAC 170-296A-8325 Refusing a FLCA or probationary license.** (1) The licensee has the right to:

- (a) Refuse or refuse to sign a facility licensing compliance agreement; or
  - (b) Refuse to agree to a probationary license.
- (2) Refusing a facility license compliance agreement or probationary license may result in one of the following enforcement actions:
- (a) Modification of the license;
  - (b) Denial of a renewal license;
  - (c) Suspension of the license; or
  - (d) Revocation of the license.

□

NEW SECTION

**WAC 170-296A-8350 Providing unlicensed care--Notice.**<sup>9</sup> (1) If the department determines that an individual is providing unlicensed child care in his or her home, the department will send the individual written notice within ten calendar days to explain:

(a) Why the department suspects that the individual is providing child care without a license;

(b) That a license is required and why;

(c) That the individual must immediately stop providing child care;

(d) That if the individual wishes to obtain a license, within thirty calendar days from the date of the department's notice in this subsection (1) the individual must submit a written agreement, on a department form, stating that he or she agrees to:

(i) Attend the next available department child care licensing orientation; and

(ii) Submit a child care licensing application after completing orientation; and

(e) That the department has the authority to issue a fine of (the dollar amount provided in law) per day for each day that the individual continues to provide child care without a license.

(2) The department's written notice in subsection (1) of this section must inform the individual providing unlicensed child care:

(a) How to respond to the department;

(b) How to apply for a license;

(c) How a fine, if issued, may be suspended or withdrawn if the individual applies for a license;

(d) That the individual has a right to request an adjudicative proceeding (hearing) if a fine is assessed; and

(e) How to ask for a hearing.

(3) If an individual providing unlicensed child care does not submit an agreement to obtain a license as provided in subsection (1)(d) of this section within thirty calendar days from the date of the department's written notice, the department will post information on its web site that the individual is providing child care without a license.

□

NEW SECTION

**WAC 170-296A-8375 Unlicensed care--Fines and other penalties.** A person providing unlicensed child care may be:

(1) Assessed a fine of (the dollar amount provided by law) a day for each day unlicensed child care is provided;

(2) Guilty of a misdemeanor; or

(3) Subject to an injunction.

□

<sup>9</sup> This section and related sections may be revised at the final rule due to 2011 legislative action.

NEW SECTION

**WAC 170-296A-8400 Hearing process.** (1) Department notice of an enforcement action includes information about the individual's or licensee's right to request an adjudicative proceeding (hearing) and how to request a hearing.

(2) The hearing process is governed by chapter 34.05 RCW Administrative Procedure Act, applicable sections of chapter 43.215 RCW department of early learning, and chapter 170-03 WAC, DEL hearing rules.

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