

Title 170 WAC

EARLY LEARNING, DEPARTMENT OF

Chapters

170-100	Early childhood education and assistance program.
170-296	Child care business regulations for family home child care.

Chapter 170-100 WAC

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM (Formerly chapter 365-170 WAC)

WAC

170-100-030 Definitions.

WAC 170-100-030 Definitions. (1) "Contractor" means a nonsectarian public or private organization that contracts with the department of early learning to provide local early childhood education and assistance services.

(2) "Department" means the department of early learning.

(3) "Director" means the director of the department of early learning.

[Statutory Authority: Chapter 43.215 RCW. 07-20-034, § 170-100-030, filed 9/25/07, effective 10/26/07. 06-18-085, recodified as § 170-100-030, filed 9/5/06, effective 9/5/06. Statutory Authority: Chapter 28A.215 RCW. 06-13-046, § 365-170-030, filed 6/16/06, effective 7/17/06. Statutory Authority: RCW 43.63A.060. 99-19-176, § 365-170-030, filed 9/22/99, effective 10/23/99. Statutory Authority: RCW 28A.34A.060. 88-18-039 (Order 88-04), § 365-170-030, filed 8/31/88. Statutory Authority: RCW 43.63A.060. 87-04-007 (Order 87-02), § 365-170-030, filed 1/23/87.]

Chapter 170-296 WAC

CHILD CARE BUSINESS REGULATIONS FOR FAMILY HOME CHILD CARE

WAC

170-296-0020	What definitions do I need to know to understand this chapter?
170-296-0450	When will my license be denied, suspended or revoked?
170-296-0520	How long must I keep child records and what am I required to document while operating my business?

WAC 170-296-0020 What definitions do I need to know to understand this chapter? For the purpose of this chapter:

"**Accessible to children**" means areas of the facility and materials that children can easily get to on their own.

"**Age appropriate**" means the developing stages of growth typical of children within a given age group.

"**American Indian child**" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other

Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood;

(3) Considered to be Indian by a federally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"**Antibias**" is an approach that recognizes when others are treated unfairly or oppressively based on race, color, national origin, marital status, sexual orientation, gender, class, religion, creed, disability, or age.

"**Assistant**" means a person fourteen years or older (whether a volunteer or an employee) who assists a licensed home provider in the operation of the family home child care and is not solely responsible for the supervision of children.

"**Capacity**" means the highest number of children you can care for at any time, as written on your license.

"**Character, competence, and suitability assessment**" means a determination of whether an applicant should be allowed access to vulnerable people if that applicant has a conviction record, pending charges and/or findings of abuse, neglect, exploitation or abandonment of a child or vulnerable adult and child protective services (CPS) adverse referral history.

"**Child**" means a person who has not yet reached the age of twelve years.

"**Child care**" means the developmentally appropriate care, protection and supervision of children that is designed to promote positive growth and educational experiences for children outside of their home for periods of less than twenty-four hours a day.

"**Child abuse and neglect**" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child by any person indicating that the child's health, welfare, and safety is harmed.

"**Communicable disease**" means an illness that can be spread from one person to another, in the child care setting, by either direct or indirect contact.

"**Conditions of the license**" means what you must do to keep a license.

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

"**Corporal punishment**" means the infliction of pain by any means for the purpose of punishment, correction, discipline, instruction or any other reason.

"**Cultural relevancy**" means an environment in which the learning experiences, play materials and activities are meaningful, inclusive and respectful for the participating children, their families and the community at large.

"**Department,**" "**we,**" "**us,**" or "**our**" refers to and means the state department of social and health services (DSHS), including but not limited to the division of child care and early learning (DCCCEL).

"Department of health" means the state department of health.

"Developmentally appropriate" means activities and interactions that recognize and address how children learn and what they can do at each stage of development - socially, emotionally, cognitively, and physically.

"Discipline" means a process of guiding children to develop internal, positive social behaviors through methods that include consistent use of the following: Modeling appropriate behavior, positive reinforcement, active listening, limit setting, redirecting and modifying the environment.

"Division" or **"DCCEL"** means the division of child care and early learning within the department of social and health services (DSHS).

"Facility licensing compliance agreement" means a written notice of rule violations and the intention to initiate enforcement, including a corrective action plan.

"Family home" means a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Family home child care" means a facility licensed to provide direct care, supervision and early learning opportunities for twelve or fewer children, in the home of the licensee where the licensee resides and is the primary provider.

"Family home child care provider" means a person who provides direct care, supervision, behavior management, and early learning opportunities for twelve or fewer children in their family home living quarters for periods of less than twenty-four hours.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"Inaccessible to children" means areas kept or items stored in a manner that makes it impossible for children to reach, enter, or use potentially hazardous items or areas. Examples of how this can be accomplished are through the use of locks, gates, or other means that are effective to prevent access by the children in your care.

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

"License" means an official document that certifies you have been granted permission by the department to operate a family home child care in compliance with the rules.

"Licensed space," means the indoor and outdoor space approved by the department as useable space where children in care may be present, or space that is otherwise accessible to children.

"Licensee" means the person or persons named on the license as having been issued the license and who are responsible for maintaining compliance with the regulations.

"Licensor" means the person with authority to grant licenses.

"Parent" means a child's parent or legal guardian.

"Premises" means the buildings where the home is located and the adjoining grounds (at the same address) over which the licensee has control.

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

"Primary staff person" means a person who has been approved by the department, age eighteen years or older, who

has responsibilities for the operation of the program and the direct supervision, behavior management and care of children.

"Provider" means the same as licensee.

"Repeatedly" means a violation of a licensing regulation that is written on a facility licensing compliance agreement that occurs more than once during a twelve-month time frame.

"Reportable communicable disease" means an illness that can be spread from one person to another by either direct or indirect contact, and is of the type that is required by law to be reported to the department of health. Examples include Hepatitis, measles, smallpox, and tuberculosis.

"Revocation" means the formal act of closing your child care business and taking your license from you due to your failure to follow the rules.

"Sanitize" means a surface must be clean and the number of germs reduced to a level where disease transmissions by that surface are unlikely.

"Staff" means a child care giver or group of child care givers employed by the licensee to assist with or supervise children served at the family home child care.

"STARS" (Washington state training and registry system) means the entity approved by the department to determine the classes, courses, and workshops that licensees and staff may take to satisfy training requirements.

"Summary suspension" means the formal act of immediately stopping your license for a certain time because the health, safety or well being of a child is at risk.

"Supervision of children," means the knowledge of and responsibility for the activity and whereabouts of each child in care and assuring immediate intervention of staff to safeguard a child from harm.

"Terms of the license" means the address, number and ages of children, and the beginning and ending dates listed on the license issued by the department.

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

"Unsupervised access" means not in the absence of the licensed child care provider or primary staff person. (Anyone sixteen years or older who lives at the same address as the provider must pass a complete criminal history background check.)

"Useable space" means the space actually available for children to engage in developmentally appropriate activities, that has been inspected and approved by the department for providing child care.

"Weapons" means an instrument or device of any kind that is designed to be used to inflict harm on another person. For example, BB guns, pellet guns, air rifles, stun guns, antique guns, bows and arrows, handguns, rifles, shotguns, knives.

[Statutory Authority: Chapter 43.215 RCW and oral ruling in *DeLaO v. Arnold-Williams* and *Fernandez v. DSHS*. 07-24-028, § 170-296-0020, filed 11/28/07, effective 12/29/07. 06-15-075, recodified as § 170-296-0020, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0020, filed 8/31/04, effective 10/1/04.]

WAC 170-296-0450 When will my license be denied, suspended or revoked? (1) When you demonstrate that you

cannot provide the required care for children in a way that promotes their safety, health and well-being we must deny, suspend or revoke your license.

(2) We must deny, suspend or revoke your license if you:

(a) Have been disqualified by your background check (see DSHS secretary's list of disqualifying convictions for ESA at http://www1.dshs.wa.gov/esa/dccel/pdf/Crime_and_Backg_Chex.pdf);

(b) Have been found to have committed or have allowed others to commit child abuse, child neglect or exploitation, or you or others you supervise treat, permit or assist in treating children in your care with cruelty, or indifference;

(c) Fail to report instances of alleged child abuse, child neglect and exploitation to children's administration intake or law enforcement when an allegation of abuse, neglect or exploitation is reported to you;

(d) Or anyone residing at the same address as you had a license denied or revoked by an agency that provided care to children or vulnerable adults;

(e) Try to get or keep a license by deceitful means, such as making false statements or leaving out important information on the application;

(f) Commit, permit or assist in an illegal act at the address of your child care business;

(g) Use illegal drugs, or excessively use alcohol or abuse prescription drugs;

(h) Knowingly allow employees or volunteers with false statements on their applications to work at your facility;

(i) Repeatedly lack the required number of qualified staff to care for the number and types of children under your care;

(j) Repeatedly fail to provide the required level of supervision for a child in care;

(k) Repeatedly care for more children than your license allows;

(l) Refuse to allow our authorized staff and inspectors requested information or access to your licensed space, child and program files, or staff and children in care during times when licensed activities are conducted; or

(m) Are unable to manage the property, fiscal responsibilities, or staff in your facility.

[Statutory Authority: Chapter 43.215 RCW and oral ruling in *DeLaO v. Arnold-Williams* and *Fernandez v. DSHS*. 07-24-028, § 170-296-0450, filed 11/28/07, effective 12/29/07. 06-15-075, recodified as § 170-296-0450, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0450, filed 8/31/04, effective 10/1/04.]

WAC 170-296-0520 How long must I keep child records and what am I required to document while operating my business? (1) A child's presence in the child care must be documented, on a daily basis, by the child's parent or guardian or an authorized person by using the sign-in and sign-out procedure for each child in attendance. The parent, guardian or authorized person must use their full signature when signing the child in and out of the child care.

(2) When the school age child arrives at or leaves the child care home due to school or off-site activities as authorized by the parent, you or your staff must sign out the child, and sign in the child on return to the home.

(3) Daily attendance records, listing the dates and hours of attendance of each child must be kept up-to-date and main-

tained in the licensed space of the family home child care for five years.

(4) When a child is no longer enrolled, the date of the child's withdrawal must be recorded in the child's file. You must maintain the child's file for at least five years from the child's last date of attendance. After five years the file may be destroyed or returned to the parent. The child's file must be made available for review by the child's parents and us during this period.

(5) You must call and report, within twenty-four hours to:

(a) Children's administration intake an incident or injury that required the services of a medical professional, including a dentist, that occurred while the child was in attendance.

(b) DCCCEL and to animal control any incident where a child is bitten by an animal while in attendance.

(c) DCCCEL any fire on your premises that required the use of a fire extinguisher or the services of a fire department.

(6) You must submit a written incident report to the child's parent and to your licenser within two working days of the same incident or injury as described in subsection (3) of this section.

(7) You must acquire written parental permission for field trips. You must notify parents in advance when you plan to use vehicles to transport children. Parents may grant general authorization for walking field trips.

(8) You must maintain all records and reports required by these regulations in an up-to-date manner in the licensed space of the facility. The records and reports are subject to inspection and you must allow us access to them during all hours in which licensed activities are conducted.

[Statutory Authority: Chapter 43.215 RCW and oral ruling in *DeLaO v. Arnold-Williams* and *Fernandez v. DSHS*. 07-24-028, § 170-296-0520, filed 11/28/07, effective 12/29/07. 06-15-075, recodified as § 170-296-0520, filed 7/13/06, effective 7/13/06. Statutory Authority: RCW 74.08.090, 74.15.030, chapters 74.12 and 74.15 RCW. 04-18-082, § 388-296-0520, filed 8/31/04, effective 10/1/04.]